FEDERAL REGISTER

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Regulations

TITLE 7—AGRICULTURE

Chapter VIII—Sugar Agency[1]

PART 802—SUGAR DETERMINATIONS

MAINLAND SUGARCANE FARMING PRACTICES FOR THE 1945 AND SUBSEQUENT CROP YEARS

Pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.23g *Farming practices in connection with the production of sugarcane during the 1945 and subsequent crop years*—(a) *Conservation requirements.* The requirements of section 301 (e) of the Sugar Act of 1937, as amended, shall be deemed to have been fulfilled with respect to any sugarcane farm in the Mainland cane sugar area for the 1945 and each subsequent crop if there is carried out during the calendar year in which the harvesting of the crop begins, on land on the farm which is adapted to the production of sugarcane for sugar, an acreage of approved conservation practices equal to not less than 15 percent of the acreage of sugarcane for sugar growing on the farm for harvest during such calendar year.

(b) *Approved practices.* Each of the following shall be counted as one acre of conservation practices:

(1) Seeding one acre of winter legumes in the fall.

(2) Turning or disking under one acre of a satisfactory growth of summer legumes grown alone.

(3) Turning or disking under one acre of a satisfactory growth of winter legumes seeded in the fall of the preceding year.

(4) Turning or disking under one acre of a satisfactory growth of sorghum as a green manure crop.

(5) Turning or disking under two acres of a good stand and good growth of summer legumes (excluding peanuts, lespedeza, and summer legumes used as truck crops) interplanted or grown in combination with row crops, such as corn; *Provided,* The summer legumes occupy at least one-third of the land.

(6) Turning or disking under two acres of a good cover and growth (except seed or seed heads) of summer legumes or sorghum.

(7) Applying 48 pounds of available phosphoric acid (P_2O_5) to, or in connection with, a full seeding of winter legumes.

(8) Applying 500 pounds of basic slag (rock phosphate or colloidal phosphate in Florida) to, or in connection with, a full seeding of winter legumes.

(9) Removing 25 cubic yards of earth in the construction, enlargement, or cleaning out of lateral ditches and lead canals. (Applicable in Louisiana only.)

(10) Carrying out on one and one-half acres of land in Florida, the top soil of which is combustible (determined as such by the State AAA Committee) and from which no crop classified as soil-depleting in ACP–1941, 1941 Agricultural Conservation Program Bulletin, as amended, is harvested and on which adequate facilities (ditches, pumps, and necessary equipment) have been maintained (whether constructed in the current calendar year or earlier) for flooding the land during the fire hazard season as a protection against the destruction of such top soil by fire, the practices specified in paragraphs B, C, D, and E of Amendment 3 to Southern Region Bulletin 101, issued June 11, 1937, for protecting the soil against fire, assuring adequate drainage and preventing soil oxidation and subsidence; *Provided, however,* That there shall be carried out on such land on the farm such other practices as are recommended for the farm by the County AAA Committee, and approved by the State AAA Committee, for protecting the soil against fire, assuring adequate drain-

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[1] Formerly War Food Administration (Sugar Determinations).

The Codification Guide, consisting of a numerical list of the parts of the Code of Federal Regulations amended or added by documents appearing in this issue, follows the table of contents.

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FEDERAL REGISTER

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age, preventing soil oxidation and subsidence, and otherwise preserving and improving the fertility of the soil and preventing soil erosion, such practices to be consistent with reasonable standards of the farming community in which the land is located.

(c) *Standards of performance.* The conservation practices shall be carried out in accordance with farming methods commonly used in the community in which the farm is located and in accordance with specifications approved by the Director of the Southern Division of the Agricultural Adjustment Agency.

(Sec. 301, 50 Stat. 910; 7 U.S.C. 1131 (e))

Issued this 10th day of July 1945.

[SEAL] CLINTON C. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-12565; Filed, July 11, 1945; 11:20 a. m.]

PART 802—SUGAR DETERMINATIONS

HAWAIIAN SUGARCANE FARMING PRACTICES FOR THE 1945 AND SUBSEQUENT CROP YEARS

Pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.33g *Farming practices in connection with the production of the 1945 and subsequent crops of sugarcane.* (a) The requirements of section 301 (e) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to any farm in the Territory of Hawaii for the 1945 and each subsequent crop year if fertilizer is applied as follows:

(1) *Amount.* There shall be applied to land on which sugarcane is growing during the applicable calendar year sufficient chemical fertilizer to provide an average quantity of plant food per acre fertilized equal to not less than 100 pounds.

(2) *Acreage requirement.* The number of acres on which fertilizer is applied during the applicable calendar year shall be not less than 80 percent of the number of acres on the farm on which sugarcane is planted, or a ratoon crop of sugarcane is started at any time during the applicable calendar year.

(b) *Definitions.* The term "applicable calendar year" means the calendar year in which the crop of sugarcane is harvested with respect to which payment is applied for. "Chemical fertilizer" means commercial chemical fertilizer of which not less than 15 percent of the gross weight consists of plant food. "Plant food" means the aggregate amount of nitrogen, available phosphoric acid and water-soluble potash. (Sec. 301, 50 Stat. 910; 7 U.S.C. 1131 (e))

Issued this 10th day of July 1945.

[SEAL] CLINTON C. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-12564; Filed, July 11, 1945; 11:20 a. m.]

PART 802—SUGAR DETERMINATIONS

PUERTO RICAN SUGARCANE FARMING PRACTICES FOR THE 1945–46 AND SUBSEQUENT CROP YEARS

Pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.43h *Farming practices in connection with the production of sugarcane during the 1945–46 and subsequent crop years*—(a) *For farms in Puerto Rico, except in the Island of Vieques.* The requirements of section 301 (e) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to a farm in Puerto Rico, except in the Island of Vieques, for the 1945–46 and each subsequent crop year if the practices hereinafter set forth are carried out during the calendar year preceding the year in which the major portion of the crop is harvested, with respect to which application for payment is made, except that on land where sugarcane is planted for sugar or harvested for seed between August 1 and December 31 of any year, the practices may be carried out at any time during such calendar year and the first four months of the next calendar year:

(1) *Farms containing more than 400 acres of sugarcane.* For farms on which more than 400 acres of sugarcane are growing at any time during the calendar year.

(i) The application to land on which sugarcane is planted during the calendar year of sufficient chemical fertilizer to provide an average quantity of plant food per acre fertilized of not less than 150 pounds.

(ii) The application to land on which a ratoon crop of sugarcane is started during the calendar year of sufficient chemical fertilizer to provide an average of not less than 100 pounds of plant food per acre fertilized.

(2) *Farms containing more than 100, but not more than 400, acres of sugarcane.* For farms on which more than 100, but not more than 400, acres of sugarcane are growing at any time during the calendar year:

(i) The application to land on which sugarcane is planted during the calendar year of chemical fertilizer in an amount averaging not less than 400 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during the calendar year of chemical fertilizer in an amount averaging not less than 265 pounds per acre fertilized.

(3) *Farms containing more than 20, but not more than 100, acres of sugarcane.* For farms on which more than 20, but not more than 100, acres of sugarcane are growing at any time during the calendar year:

(i) The application to land on which sugarcane is planted during the calendar year of chemical fertilizer in an amount averaging not less than 250 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during the calendar year of chemical fertilizer in an amount averaging not less than 165 pounds per acre fertilized.

(iii) In lieu of the provisions of subdivisions (i) and (ii) of this subparagraph, the carrying out on the farm in connection with the production of sugarcane any of the soil-building or soil-conserving practices specified under the Agricultural Conservation Program for Puerto Rico for the applicable calendar year, for which payment would be made in an amount equal to at least $1.00 per acre of land on which sugarcane is planted or a ratoon crop of sugarcane is started during the calendar year, except that credits received under paragraph (d) hereinafter may be added to the amount of such payments for purposes of compliance with this subdivision.

(4) *Farms containing not more than 20 acres of sugarcane.* For farms on which not more than 20 acres of sugarcane are growing at any time during the calendar year:

(i) The application during the harvest season to the land from which sugarcane is harvested of the tops and trash cut from such sugarcane; or

(ii) The application of fertilizer in the amounts, and to the types of land, set forth in subparagraphs (3) (i) and (ii) above; or

(iii) The carrying out on the farm in connection with the production of sugar-

cane any of the soil-building or soil-conserving practices required under the Agricultural Conservation Program for Puerto Rico for the applicable calendar year, for which payment would be made in an amount equal to at least $.50 per acre of land on which sugarcane is planted or a ratoon crop of sugarcane is started during the calendar year, except that credits received under paragraph (d) hereinafter may be added to the amount of such payments for purposes of compliance with this subdivision.

(b) *For farms in the Island of Vieques.* The requirements of section 301 (e) of the said act, shall be deemed to have been met with respect to a farm in the Island of Vieques for the 1945–46 and each subsequent crop year, if the practices hereinafter set forth are carried out during the calendar year preceding the year in which the major portion of the crop is harvested, with respect to which application for payment is made, except that on land where sugarcane is planted for sugar or harvested for seed between August 1 and December 31 of any year the practices may be carried out at any time during such calendar year and the first four months of the next calendar year.

(1) *Farms containing more than 400 acres of sugarcane.* For farms on which more than 400 acres of sugarcane are growing at any time during the calendar year:

(i) The application to land on which sugarcane is planted during the calendar year of sufficient chemical fertilizer to provide an average quantity of plant food per acre fertilized equal to not less than 75 pounds.

(ii) The application to land on which a ratoon crop of sugarcane is started during the calendar year of sufficient chemical fertilizer to provide an average of not less than 50 pounds of plant food per acre fertilized.

(2) *Farms containing more than 100, but not more than 400, acres of sugarcane.* For farms on which more than 100, but not more than 400, acres of sugarcane are growing at any time during the calendar year:

(i) The application to land on which sugarcane is planted during the calendar year of chemical fertilizer in an amount averaging not less than 200 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during the calendar year of chemical fertilizer in an amount averaging not less than 135 pounds per acre fertilized.

(3) *Farms containing not more than 100 acres of sugarcane.* For farms on which not more than 100 acres of sugarcane are growing at any time during the calendar year:

(i) The application to land on which sugarcane is planted during the calendar year of chemical fertilizer in an amount averaging not less than 125 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during the calendar year of chemical fertilizer in an amount averaging not less than 85 pounds per acre fertilized.

(iii) In lieu of the provisions of subdivisions (i) and (ii) of this subparagraph, the carrying out on the farm in connection with the production of sugarcane any of the soil-building or soil-conserving practices specified under the Agricultural Conservation Program for Puerto Rico for the applicable calendar year for which payment would be made in an amount equal to at least $0.50 per acre of land on which sugarcane is planted or a ratoon crop of sugarcane is started during the calendar year, except that credits received under paragraph (d) hereinafter may be added to the amount of such payments for purposes of compliance with this subdivision; or

(iv) The application during the harvest season to the land from which sugarcane is harvested of the tops and trash cut from such sugarcane.

(c) *Minimum acreage requirements for the application of fertilizer.* In every case in which the application of fertilizer is required as aforesaid, the number of acres on which fertilizer is to be applied as aforesaid shall be not less than 100 percent of the number of acres on which sugarcane is planted during the calendar year, and not less than 80 percent of the number of acres on which a ratoon crop of sugarcane is started during the calendar year.

(d) *Additional credit in connection with Agricultural Conservation Program.* Where there is reference to payments which will be made under the terms of the 1945 and each subsequent calendar year Agricultural Conservation Program for Puerto Rico, in subparagraphs (3) (iii) and (4) (iii) of paragraph (a) and in subparagraph (3) (iii) of paragraph (b), credit is to be allowed for chemical fertilizer applied, if any, at the rate of $0.50 per 100 pounds gross weight.

(e) *Standards of performance.* The foregoing practices shall be carried out on the farm in accordance with farming methods commonly used in the community in which the farm is located.

(f) *Definitions.* Wherever used in this section, except in paragraph (d), chemical fertilizer and plant food are to be defined as follows: "Chemical fertilizer" means commercial chemical fertilizer of which not less than 15 percent of the gross weight consists of plant food. "Plant food" means the aggregate amount of nitrogen, available phosphoric acid, and water-soluble potash. (Sec. 301, 50 Stat. 910, 7 U.S.C. 1131 (e))

Issued this 10th day of July 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-12566; Filed, July 11, 1945; 11:21 a. m.]

PART 802—SUGAR DETERMINATIONS

VIRGIN ISLANDS SUGARCANE FARMING PRACTICES FOR THE 1946 AND SUBSEQUENT CROP YEARS

Pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.55d *Farming practices in connection with the production of sugarcane during the 1946 and subsequent crop years.* (a) The requirements of section 301 (e) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to any farm in the Virgin Islands for the 1946 and each subsequent crop year if there is applied during the harvest season to the land from which sugarcane is harvested the tops and trash cut from such sugarcane.

(Sec. 301, 50 Stat. 910, 7 U.S.C. 1131 (e))

Issued this 10th day of July, 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-12567; Filed, July 11, 1945; 11:19 a. m.]

Chapter IX—Marketing Agreements and Orders [1]

PART 972—MILK IN THE TRI-STATE MARKETING AREA

HANDLING OF MILK IN KENTUCKY, WEST VIRGINIA AND OHIO

SEC.

AUTHORITY: §§ 972.0 to 972.13, inclusive, issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S.C. 1940 ed. 601 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783.

§ 972.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq.) a public hearing was held upon a proposed marketing agreement and proposed order regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced in such hearing and the record thereof, it is hereby found that:

(1) The issuance of this order regulating the handling of milk in the said marketing area, and all of the terms and conditions of this order, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to

[1] Submitted as War Food Administration.

the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk and the minimum prices specified in the said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a tentatively approved marketing agreement, upon which a hearing has been held; and

(4) All milk and milk products handled by handlers, as defined herein, is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products.

(b) *Additional findings.* (1) It is hereby found and proclaimed in connection with the execution of a tentatively approved marketing agreement and the issuance of this order, regulating the handling of milk in the said marketing area, that the purchasing power of such milk during the pre-war period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such milk for the period August 1919–July 1929 can be satisfactorily determined from available statistics of the Department of Agriculture and the period August 1919–July 1929 is the base period to be used in connection with the said marketing agreement and this order in determining the purchasing power of such milk.

(2) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will amount to approximately $20,000 per year; and the pro rata share of such expenses to be paid by each handler is hereby approved in the maximum amount of 4 cents per hundredweight on all milk, skim milk, and cream received by such handler during each delivery period.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order) of at least 50 percent of the volume of milk which is marketed within the said marketing area refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign such tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the act to advance the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of the issuance of the order and who, during the month of March 1945 (which month has been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

It is hereby ordered, That such handling of milk and milk products by handlers operating in the Tri-State marketing area as is in the current of interstate commerce, or as directly burdens, obstructs, or affects interstate commerce, in milk or its products, shall from the effective time hereof be in compliance with the following terms and conditions.

§ 972.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act. No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture, or the War Food Administrator, or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "Tri-State marketing area," hereinafter called the "marketing area," means the territory lying within the corporate limits of the cities of Ashland, Kentucky; Huntington and Parkersburg, West Virginia; Marietta, Ironton, and Gallipolis, Ohio; and all territory lying within Athens and Scioto Counties, Ohio, including but not limited to all municipal corporations in said counties.

(d) "Huntington district" means that portion of the marketing area lying within the corporate limits of the cities of Ashland, Kentucky; Huntington, West Virginia; and Ironton and Gallipolis, Ohio.

(e) "Huntington district plant" means a plant (1) located within the Huntington district from which milk is disposed of in such district for human consumption as fluid milk or (2) located outside the marketing area from which 50 percent or more of the plant's disposition of milk for human consumption as fluid milk in the marketing area during the delivery period is in the Huntington district.

(f) "Person" means any individual, partnership, corporation, association, or any other business unit.

(g) "Producer" means any person who produces, under a dairy farm inspection permit or other equivalent certification issued by the appropriate health authority in the marketing area, milk which is (1) received at a plant from which milk is disposed of in the marketing area for human consumption as fluid milk, or (2) customarily received at a plant described in (1) of this paragraph but which is diverted by an association of producers to any other milk distributing or milk manufacturing plant, wherever located.

(h) "Handler" means (1) any person, except a person who receives emergency milk only, with respect to milk (including any milk from his own farm production (received by him at a plant from which milk is disposed of in the marketing area for human consumption as fluid milk, or (2) any association of producers with respect to any milk produced under a dairy farm inspection permit or other equivalent certification issued by the appropriate health authority in the marketing area which is customarily received at a plant described in (1) of this paragraph but which it diverts to any other milk distributing or milk manufacturing plant, wherever located, for the account of such association.

(i) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers.

(j) "Delivery period" means the period from the effective date hereof to the end of the calendar month in which such effective date occurs, and thereafter "delivery period" shall mean the calendar month.

(k) "Emergency milk" means milk, skim milk, unsweetened condensed skim or whole milk, or cream received by a hander under a permit for its receipt as an emergency supply issued to him by the appropriate heath authority in the marketing area.

(l) "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized to perform the price reporting functions specified in § 972.5 hereof.

§ 972.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have the power:

(1) To administer this order in accordance with its terms and provisions;

(2) To receive, investigate, and report to the Secretary complaints of violations of the provisions hereof; and

(3) To make rules and regulations to effectuate the terms and provisions hereof.

(c) *Duties.* The market administrator in addition to the duties hereinafter described, shall:

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate.

(3) Submit his books and records to examination and furnish such information and such verified reports, as may be requested by the Secretary.

(4) Require a surety bond from each employee who handles funds entrusted to the market administrator in an

amount reasonably commensurate with the amount of the funds handled by such employee.

(5) Publicly disclose, unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not made (i) reports pursuant to § 972.3 or (ii) payments pursuant to § 972.8.

(6) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof.

(7) Pay, out of the funds provided by § 972.9, (i) the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (ii) his own compensation, and (iii) all other expenses, except those incurred under § 972.10, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties.

(8) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any person upon whose utilization the classification of milk depends.

(9) Publicly announce prices for each delivery period, as follows:

(i) On or before the 5th day after the end of each delivery period the class prices and butterfat differentials computed pursuant to § 972.5; and

(ii) On or before the 10th day after the end of each delivery period, the uniform prices computed pursuant to § 972.7 (b) and (c) and the butterfat differential to be paid pursuant to § 972.8 (g).

§ 972.3 *Reports, record, and facilities*—(a) *Monthly reports of receipts and utilization.* On or before the 5th day after the end of each delivery period each handler, except as otherwise provided in (b) (2) of this section, shall report to the market administrator for each plant, with respect to all milk and milk products received during such delivery period, in the detail and on forms prescribed by the latter, (1) the butterfat tests, quantities, and sources of all milk, skim milk, cream, and other milk products received; (2) the utilization thereof; and (3) such other information with respect to such receipts and utilization as the market administrator may request.

(b) *Other reports.* (1) On or before the day a handler receives emergency milk, he shall report his intention to receive such milk.

(2) Each handler who receives at his plant only milk from his own farm production or from other handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(3) On or before the 20th day after the end of each delivery period each handler shall submit to the market administrator such handler's producer payroll for the delivery period, which shall show (i) the total pounds of milk received from each producer and association of producers and the total pounds of butterfat contained in such milk, (ii) the amount of payment to each producer and association of producers, and (iii) the nature and amount of the deductions and charges involved in the payments referred to in (ii) of this subparagraph.

(c) *Records and facilities.* Each handler shall maintain, and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to (1) the utilization, in whatever form, of all milk and milk products received; (2) the weights, samples, and tests for butterfat content of all milk and milk products previously received or utilized or currently being received or utilized; and (3) payments to producers and associations of producers.

§ 972.4 *Classification of milk*—(a) *Basis of classification.* All milk and milk products received at a plant described in § 972.1 (h) (1) and milk of producers caused to be delivered in the manner described in § 972.1 (h) (2) shall be classified by the market administrator in the classes set forth in (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in (c) and (d) of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all milk and milk products (i) disposed of in fluid form (except that which has been dumped or disposed of for livestock feeding) as (*a*) milk, including reconstituted milk; (*b*) skim milk; and (*c*) flavored milk or milk drinks; and (ii) not specifically accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all milk and milk products disposed of in fluid form (except buttermilk dumped or disposed of for livestock feeding) as: (i) cream; (ii) any mixture of cream and milk (or skim milk); and (iii) buttermilk.

(3) Class III milk shall be all milk and milk products specifically accounted for as (i) used to produce, or disposed of as, a milk product other than any of those specified in (1) (i) or in (2) of this paragraph, (ii) having been dumped or disposed of for livestock feeding, and (iii) plant shrinkage, but not in excess of 2 percent of total receipts, not including receipts from other handlers.

(c) *Responsibility of handlers and reclassification of milk.* (1) In establishing the classification as required in (b) and (d) of this section, the burden rests upon the handler to account for all milk and milk products received by him and to prove to the market administrator that such milk, or products, should not be classified as Class I milk.

(2) Any milk or milk product classified in one class shall be reclassified if such milk or milk product (or product thereof) is later used or disposed of by any handler in another class, in accordance with such later use or disposition.

(d) *Transfers.* (1) Milk of producers or of associations of producers, or any skim milk, flavored milk, or flavored milk drinks made therefrom, shall be classified as Class I milk when transferred in fluid form by a handler (i) to another handler: *Provided*, That if it is represented in written reports signed by both handlers and submitted to the market administrator on or before the 5th day after the end of the delivery period, that such milk or milk product was utilized in another class, it shall be classified accordingly, subject to verification by the market administrator; (ii) to a producer-handler; (iii) to a person who is not a handler but who distributes milk in fluid form, to the extent of such distribution; and (iv) to any other person not specifically described in subparagraph (3) of this paragraph.

(2) Milk of producers or of associations of producers shall be classified as Class II milk when transferred in fluid form as cream, as milk (or skim milk) and cream mixture, or buttermilk by a handler (i) to another handler: *Provided*, That if it is represented in written reports signed by both handlers and submitted to the market administrator on or before the 5th day after the end of the delivery period, that such transferred product was utilized in another class, it shall be classified accordingly, subject to verification by the market administrator; (ii) to a producer-handler; (iii) to a person who is not a handler but who distributes milk or cream in fluid form, to the extent of such distribution; and (iv) to any other person not specifically described in subparagraph (3) of this paragraph.

(3) Milk or milk products shall be classified as Class III milk when transferred in fluid form or otherwise (i) to the milk manufacturing plant of a person who is not a handler and who does not distribute milk or cream in fluid form; and (ii) to a person who is not a handler but who distributes milk or cream in fluid form, to the extent that the quantity of such transfer exceeds the amount of milk or cream distributed by such person in fluid form, subject to verification by the market administrator.

(e) *Computation of the milk in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the respective amounts of milk of producers and of associations of producers in Class I milk, Class II milk, and Class III milk, as follows:

(1) Determine the handler's total receipts by adding together the total pounds of milk, skim milk, and cream received, and the pounds of butterfat and skim milk used to produce all other milk products received;

(2) Determine the total pounds of butterfat contained in the receipts computed pursuant to (1) of this paragraph;

(3) Determine the total pounds of Class I milk by: (i) computing the sum of the pounds (not including flavoring materials) disposed of as each of the several items of Class I milk; and (ii) adding all other milk and milk products

not specifically accounted for as Class II or Class III milk;

(4) Determine the total pounds of butterfat in Class I milk by: (i) computing the sum of the pounds of butterfat in each of the several items of Class I milk; and (ii) adding all other butterfat not specifically accounted for as Class II or Class III butterfat;

(5) Determine the total pounds of Class II milk by: computing the sum of the pounds disposed of as each of the items of Class II milk;

(6) Determine the total pounds of butterfat in Class II milk by: computing the sum of the pounds of butterfat in each of the items of Class II milk;

(7) Determine the total pounds of Class III milk by: (i) computing the sum of the pounds used or disposed of as each of the several items of Class III milk; and (ii) adding the plant shrinkage of milk computed pursuant to (b) (3) (iii) of this section;

(8) Determine the total pounds of butterfat in Class III milk by: (i) computing the sum of the pounds of butterfat in each of the several items of Class III milk; and (ii) adding the butterfat in plant shrinkage computed pursuant to (b) (3) (iii) of this section;

(9) Determine the classification of milk producers and of associations of producers, as follows: (i) subtract in series beginning with Class III milk, the pounds of milk and milk products, except emergency milk, received from sources other than producers, associations of producers, or other handlers; (ii) subtract from the remaining pounds of Class III milk the pounds received from producer-handlers, and any excess of such receipts over the remaining Class III milk, in series from Class II milk and Class I milk; (iii) subtract from the remaining pounds in each class, the pounds received from other handlers and allocated to such class in accordance with (d) of this section; (iv) subtract pro rata from the remaining pounds in each class, the total pounds of emergency milk received; and (v) if the remaining quantity is greater than that which the handler reported having received from producers and from associations of producers, subtract pro rata from the remaining pounds of milk in each class an amount equal to the difference;

(10) Determine the classification of butterfat in milk of producers and of associations of producers in a manner similar to that prescribed in (9) of this paragraph for milk; and

(11) Determine the weighted average butterfat content of the resulting milk in each class computed under (9) of this paragraph.

§ 972.5 *Minimum class prices*—(a) *Class I milk prices.* Subject to the provisions of (d), (e), (f), and (g) of this section and of § 972.8, each handler shall pay for all milk received at his plant during the delivery period from producers or from an association of producers, which is classified as Class I milk, the appropriate Class I price set forth below for such plant:

When the class III price effective pursuant to (c) of this section is—	The prices per hundredweight of class I milk of 4 percent butterfat content shall be—	
	Huntington district plants	Other plants
Under $2.35	$3.15	$2.95
$2.35 or over but under $2.60	3.40	3.20
$2.60 or over but under $2.85	3.65	3.45
$2.85 or over but under $3.10	3.90	3.70
$3.10 or over but under $3.35	4.15	3.95
$3.35 or over but under $3.60	4.40	4.20
$3.60 or over	4.65	4.45

(b) *Class II milk prices.* Subject to the provisions of (d), (e), (f), and (g) of this section and of § 972.8, each handler shall pay for all milk received at his plant during the delivery period from producers or from an association of producers, which is classified as Class II milk, the appropriate Class II price set forth below for such plant:

When the Class I prices effective pursuant to (a) of this section are—		The prices per hundredweight of Class II milk of 4 percent butterfat content shall be—	
Huntington district plants	Other plants	Huntington district plants	Other plants
$3.15	$2.95	$2.85	$2.65
3.40	3.20	3.10	2.90
3.65	3.45	3.35	3.15
3.90	3.70	3.60	3.40
4.15	3.95	3.85	3.65
4.40	4.20	4.10	3.90
4.65	4.45	4.35	4.15

(c) *Class III milk price.* Subject to the provisions of (d), (e), and (f) of this section and of § 972.8, each handler shall pay per hundredweight for all milk received at his plant during the delivery period from producers or from an association of producers, which is classified as Class III milk, the higher of the following prices determined by the market administrator:

(1) Divide by 35 the arithmetical average of the basic (field) prices for milk of 3.5 per cent butterfat content which are reported to the Department of Agriculture for payment to farmers for milk received during such delivery period by the following companies, at the locations listed, and multiply the result by 40:

Companies and Locations

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Provided, That if the price so determined is less than the price computed in accordance with the following formula, such formula price shall be the price for Class III milk for the delivery period: multiply by 4 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture for the delivery period during which such milk was received, add 20 percent thereof, and add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids for human consumption is above 5½ cents per pound. The price per pound of nonfat dry milk solids to be used in this proviso shall be the arithmetical average of the carlot prices for both spray and roller process nonfat dry milk solids for human consumption, f. o. b. manufacturing plant, as published by such agency for the Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period. In the event such agency does not publish such carlot prices f. o. b. manufacturing plant, the arithmetical average of the carlot prices for both spray and roller process nonfat dry milk solids for human consumption, delivered at Chicago, shall be used, and the figure "7½" shall be substituted for "5½" in the formula set forth above in this proviso.

(d) *Butterfat differential to handlers.* (1) If the weighted average butterfat content of that portion of the milk received from producers and from associations of producers which is classified as Class I milk for any handler is more or less than 4.0 percent, there shall be added to, or subtracted from, as the case may be, the Class I price, for each one-tenth of 1 percent that such weighted average butterfat content is above or below, respectively, 4.0 percent, an amount computed by the market administrator by: adding 20 percent to the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the delivery period, dividing the sum obtained by 10, and then adding 1.0 cent.

(2) If the weighted average butterfat content of that portion of the milk received from producers and from associations of producers which is classified as Class II milk for any handler is more or less than 4.0 percent, there shall be added to, or subtracted from, as the case may be, the Class II price, for each one-tenth of 1 percent that such weighted average butterfat content is above or below, respectively, 4.0 percent, an amount computed by the market administrator by: adding 20 percent to the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the delivery period, dividing the sum obtained by 10, and then adding .5 cent.

(3) If the weighted average butterfat content of that portion of the milk received from producers and from associations of producers which is classified as Class III milk for any handler is more or less than 4.0 percent, there shall be added to, or subtracted from, as the case may be, the Class III price, for each one-

tenth of 1 percent that such weighted average butterfat content is above or below, respectively, 4.0 percent, an amount computed by the market administrator by: adding 20 percent to the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the delivery period, and dividing the sum obtained by 10.

(e) *Emergency price provisions.* (1) Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further,* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the prices specified.

(2) Whenever the Secretary finds and announces that the Class I or Class II price, computed for any delivery period pursuant to (a) and (b) of this section, is above a level which is in the public interest, the Class I or Class II price for such delivery period shall be the same as the Class I or Class II price effective for the delivery period immediately preceding.

(f) *Prices for Class I, Class II, and Class III milk disposed of outside the marketing area.* The prices for Class I, Class II, and Class III milk disposed of outside the marketing area by a handler shall be those applicable, respectively, pursuant to (a), (b), and (c) of this section, to Class I, Class II, and Class III milk disposed of by such handler in the marketing area.

(g) *Price of Class I or Class II milk transferred by one handler to another handler.* The price of Class I or Class II milk transferred by a handler to another handler shall be that applicable to Class I or Class II milk at the selling handler's plant, pursuant to (a) and (b) of this section: *Provided,* That any hauling charge with respect thereto chargeable to producers or to associations of producers shall not exceed that customarily applied to deliveries of such producers from their farms to the selling handler's plant.

§ 972.6 *Application of provisions*—(a) *Producer-handlers.* Sections 972.4, 972.5, 972.7, 972.8, 972.9, and 972.10 shall not apply to a producer-handler.

(b) *Verification.* Any handler who desires to qualify as a producer-handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of his qualifications satisfactory to the market administrator, and he shall furnish similar evidence of subsequent changes in his operations that affect his qualifications. Verification by the market administrator shall be made within 5 days after the date of receipt of such evidence, and shall be effective retroactively to the date on which the applicant became so eligible, but not earlier than the first day of the delivery period during which verification of such eligibility is made.

§ 972.7 *Determination of uniform prices*—(a) *Computation of value of milk.* The value of milk received from producers and from associations of producers during each delivery period by each handler shall be a sum of money computed by the market administrator by (1) multiplying the pounds of such milk in each class for the delivery period, computed pursuant to § 972.4 (e) (9), by the applicable class prices computed pursuant to § 972.5, and (2) adding together the resulting amounts: *Provided,* That if a handler, after subtracting receipts from his own farm production, from other handlers, and from sources determined as other than producers, associations of producers, or other handlers, has disposed of milk or butterfat in excess of the milk or butterfat which, on the basis of his reports, has been credited to producers or associations of producers as having been received from them, there shall be added an amount equal to its value in accordance with its classification determined pursuant to § 972.4 (e) (9) (v).

(b) *Computation of uniform price for plants other than Huntington district plants.* For each delivery period the market administrator shall compute the uniform price per hundredweight to be paid to producers and to associations of producers for milk received at plants other than Huntington district plants, as follows:

(1) Combine into one total the values computed pursuant to (a) of this section for all handlers who made the reports prescribed by § 972.3, and who made the payments prescribed by § 972.8 for the preceding delivery period;

(2) Add an amount equal to one-half of the cash balance in the producer-settlement fund, less the amount due handlers pursuant to § 972.8 (e);

(3) Subtract, if the weighted average butterfat content of the milk of producers and associations of producers represented by the values included under (1) of this paragraph (pooled milk) is greater than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by: multiplying the amount by which its weighted average butterfat content varies from 3.5 percent by the butterfat differential computed pursuant to § 972.8 (g), and multiplying the resulting figure by the total hundredweight of such milk;

(4) Subtract an amount computed by multipying by 20 cents the total hundredweight of Class I and Class II milk of producers and associations of producers at all Huntington district plants;

(5) Divide the resulting amount by the total hundredweight of pooled milk; and

(6) Subtract not less than 4 cents nor more than 5 cents (adjusting to the even cent) from the amount per hundredweight computed under (5) of this paragraph, for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" per hundredweight for milk of 3.5 percent butterfat received at plants other than Huntington district plants.

(c) *Computation of uniform price for Huntington district plants.* For each delivery period, the market administrator shall compute the uniform price per hundredweight to be paid to producers and to associations of producers for milk received at Huntington district plants, as follows:

(1) Add to the amount per hundredweight resulting under (b) (5) of this section, an amount per hundredweight computed by dividing the amount subtracted under (b) (4) of this section by the milk received from producers and associations of producers at all Huntington district plants and represented in the values included under (b) (1) of this section; and

(2) Subtract not less than 4 cents nor more than 5 cents (adjusting to the even cent) from the amount per hundredweight computed under (1) of this paragraph, for the purpose as indicated in (b) (6) of this section. The result shall be known as the "uniform price" per hundredweight for milk of 3.5 percent butterfat received at Huntington district plants.

(d) *Notification of handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall notify each handler of (1) the amount and value of his milk in each class as computed pursuant to § 972.4 (e) (9) and (a) of this section, respectively, and the totals of such amounts and values; (2) the applicable uniform price computed pursuant to (b) or (c) of this section; (3) the amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and (4) the amounts to be paid by such handler pursuant to § 972.8.

§ 972.8 *Payment for milk*—(a) *Time and method of final payment.* Each handler shall make payment, subject to the butterfat differential provided by (g) of this section and less the payments made pursuant to (b) of this section and the deductions required by § 972.10, for all milk received from producers of from an association of producers during each delivery period, as follows:

(1) Except as set forth in (2) of this paragraph, to each producer, on or before the 15th day after such delivery period, at not less than the applicable uniform price for milk of 3.5 percent butterfat.

(2) To an association of producers for milk of producers from whom such association has received written authorization to collect payment, on or before the 14th day after such delivery period,

of a total amount equal to not less than the sum of the individual amounts otherwise payable to such producers under (1) of this paragraph.

(b) *Partial payments.* (1) On or before the 25th day of each delivery period, each handler shall make payment, except as set forth in (2) of this paragraph, to each producer at not less than the applicable uniform price of the preceding delivery period for the milk of such producer which was received by such handler during the first 15 days of the current delivery period.

(2) On or before the 24th day of each delivery period, each handler shall make payment to an association of producers for milk of producers from whom such association has received written authorization to collect payment, at not less than the applicable uniform price of the preceding delivery period for all such milk which was received by such handler during the first 15 days of the current delivery period.

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to (d) of this section and out of which he shall make all payments to handlers pursuant to (e) of this section: *Provided,* That the market administrator shall offset any such payment due any handler against payments due from such handler.

(d) *Payments to the producer-settlement fund.* On or before the 13th day after each delivery period, each handler shall pay to the market administrator the amount by which the total value computed for him pursuant to § 972.7 (a) for such delivery period is greater than the sum required to be paid by such handler pursuant to (a) of this section.

(e) *Payments out of the producer-settlement fund.* On or before the 14th day after each delivery period the market administrator shall pay to each handler the amount by which the sum required to be paid pursuant to (a) of this section is greater than the total value computed for him pursuant to § 972.7 (a) for such delivery period: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available, and no handler who, on the 14th day after the delivery period, has not received full payment for such delivery period from the market administrator pursuant to this paragraph shall be deemed to be in violation of (a) of this section if he reduces his payments thereunder by not more than the amount of the reduction in payment from the producer-settlement fund.

(f) *Adjustment of errors.* Whenever audit by the market administrator of the payment by a handler to a producer or to an association of producers, pursuant to (a) or (b) of this section, discloses payment of less than is required the handler shall make up such payment not later than the time for making payment pursuant to (a) of this section next following such disclosure.

(g) *Butterfat differential.* If, during the delivery period, any handler has received from any producer or from an association of producers milk having a weighted average butterfat content other than 3.5 percent, such handler, in making the payments prescribed in (a) of this section, shall add to, or subtract from, the applicable uniform price per hundredweight, for each one-tenth of 1 percent of such butterfat content in milk above or below, as the case may be, 3.5 percent, an amount computed by the market administrator as follows: add 20 percent to the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the delivery period, and divide the resulting amount by 10.

§ 972.9 *Expense of administration.* As his pro rata share of the expense which necessarily will be incurred in the maintenance and functioning of the office of the market administrator, and in the performance of the duties of the market administrator, each handler, with respect to all milk, skim milk, and cream (except receipts from other handlers) received by him during each delivery period, shall pay to the market administrator, on or before the 13th day after the end of such delivery period, that amount per hundredweight not to exceed 4 cents, which is determined (subject to review by the Secretary) and announced by the market administrator on or before the 10th day after the end of such delivery period: *Provided,* That an association of producers shall pay such pro rata share of expense of administration on only that milk with respect to which it is a handler.

§ 972.10 *Marketing services deductions*—(a) *Payments to market administrator.* Except as set forth in (b) of this section, each handler shall deduct an amount not exceeding 6 cents per hundredweight (the exact amount to be determined by the market administrator, subject to review by the Secretary) from the payments due pursuant to § 972.8 (a), with respect to all milk received by such handler during each delivery period from producers and associations of producers, and shall pay such deductions to the market administrator on or before the 13th day after such delivery period. Such moneys shall be used by the market administrator to make, or check, weights, samples, and tests of milk received by handlers from producers or from associations of producers and to provide them with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Payments to cooperative associations.* In the case of producers for whom a cooperative association which, as determined by the Secretary, (1) is engaged in the collective sale or marketing of their milk, (2) has its entire activities under the control of its members, (3) meets the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and (4) is actually performing the services set forth in (a) of this section, each handler shall make, in lieu of the deductions specified in (a) of this section, such deductions from the payments to be made to such producers as have been authorized by such producers and, on or before the 14th day after each delivery period, pay over such deductions to the cooperative association rendering such services.

§ 972.11 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this order or any provision hereof, whenever he finds that this order or any provision hereof, obstructs, or does not tend to effectuate the declared policy of the act. This order shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* (1) If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(2) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until discharged by the Secretary, (ii) from time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, to such person as the Secretary may direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing

handlers and producers in an equitable manner.

§ 972.12 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 972.13 *Separability of provisions.* If any provision of this part, or the application thereof to any person or circumstances, is held invalid, the remainder of the part, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Issued at Washington, D. C., this 29th day of June 1945, to be effective on and after the 1st day of August 1945.

MARVIN JONES,
War Food Administrator.

Approved:

WILLIAM H. DAVIS,
Director of Economic Stabilization.

[F. R. Doc. 45-12549; Filed, July 10, 1945; 3:17 p. m.]

Chapter X—War Food Production Orders

[WFO 104, Revocation]

PART 1202—FARM MACHINERY AND EQUIPMENT

DISTRIBUTION OF NEW METAL MILK CANS AND COVERS

Effective at 12:01 a. m., e. w. t., July 1, 1945, War Food Order No. 104 (9 F.R. 7249), issued June 29, 1944, is hereby revoked. However, with respect to violations of said War Food Order No. 104, or rights accrued, or liabilities incurred thereunder, prior to this revocation, said War Food Order No. 104 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or proceeding with respect to any such violation, right, or liability.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 10th day of July 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-12571; Filed, July 11, 1945; 11:20 a. m.]

[WFO 138]

PART 1220—FEED

RESTRICTIONS ON USE OF GRAIN

The fulfillment of requirements for defense of the United States will result in a shortage in the supply of livestock feed for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1220.23 *Restrictions on the use of grain*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(2) "Distiller" means any person engaged in the business of manufacturing alcohol or alcoholic beverages or spirits by any process which includes distillation.

(3) "Feed recovery plant" means any facility of a distiller which may be used to recover livestock feed from the by-products of the manufacture of alcohol or alcoholic beverages or spirits.

(4) "Grain" means corn, wheat, grain sorghums, barley, rye, or any other grain used by a distiller in the manufacture of alcohol or alcoholic beverage or spirits.

(5) "Order Administrator" means the Chief of the Agricultural Adjustment Agency, Department of Agriculture.

(b) *Restrictions on use.* On and after the effective date of this section, no distiller with a feed recovery plant or plants shall use any grain in the manufacture of alcohol or alcoholic beverages or spirits by any process which includes distillation, unless all feed by-products from grain so processed be recovered up to the maximum capacity of such plant or plants.

(c) *Contracts.* The restrictions of this section shall be observed without regard to contracts heretofore or hereafter made or any rights accrued or payments made thereunder.

(d) *Records and reports.* (1) The Order Administrator shall be entitled to obtain such information from and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this section, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) Every person subject to this section shall, for at least one year (or for such period of time as the Order Administrator may designate), maintain an accurate record of his transactions in grain.

(e) *Audits and inspections.* The Order Administrator shall be entitled to make such audit or inspection of the books, records and other writings, premises, or stocks of grain of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this section.

(f) *Request for relief from hardship.* Any person affected by this section who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a request for relief with the Order Administrator. All requests shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. Such requests shall be acted upon by the Order Administrator or any employee of the Agricultural Adjustment Agency designated by him.

(g) *Violations.* Any person who violates any provision of this section may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using grain. Any person who wilfully violates any provision of this section is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this section.

(h) *Delegation of authority.* The administration of this section and the powers vested in the Secretary of Agriculture, insofar as such powers relate to the administration of this section, are hereby delegated to the Order Administrator. The Order Administrator is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this section.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this section shall, unless otherwise provided, be addressed to the Order Administrator, Food Order No. 138, Agricultural Adjustment Agency, Department of Agriculture, Washington 25, D. C.

Effective date. This section shall become effective at 12:01 a. m., e. w. t., July 10, 1945.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 10th day of July 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-12568; Filed, July 11, 1945; 11:20 a. m.]

Chapter XI—War Food Distribution Orders

[WFO 48, Termination]

PART 1410—LIVESTOCK AND MEATS

RESTRICTIONS ON INVENTORIES

War Food Order No. 48, as amended and temporarily suspended (8 F.R. 7520, 12255, 9 F.R. 4319), is hereby terminated.

This order shall become effective at 12:01 a. m., e. w. t., July 12, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 48, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 10th day of July 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-12569; Filed, July 11, 1945; 11:19 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4741]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AUTOMATIC ELECTRICAL DEVICES CO.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety:* § 3.71 (e 5) *Neglecting, unfairly or deceptively, to make material disclosure—Scientific or relevant facts.* I. In connection with the offering for sale, sale or distribution of respondent's devices designated "Homozone" or any other devices of substantially similar character, whether sold under the same name or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., the purchase in commerce, etc., of said devices, which advertisements represent directly or by implication, (a) that the use of respondent's Homozone devices, designed for the treatment of air, in connection with humans, constitutes a competent, adequate or effective treatment for sinus trouble, heart ailments, and diseases or ailments of the respiratory system, including asthma, bronchitis and hay fever; will avert headaches or colds; will lessen fatigue, destroy bacteria, or improve and promote the general health; (b) that the use of said devices, designed for the treatment of air, in connection with poultry, will reduce deaths, prevent disease or its effects; will have any effect upon the organisms causing infectious diseases or will prevent the spread of infectious diseases; will be beneficial in the treatment of respiratory ailments; will cure roup or have any beneficial therapeutic value in the treatment of any disease or ailment in poultry; or, (c) that the use of said devices, designed for the treatment of air, in connection with animals, will be beneficial in the treatment of respiratory diseases or will have any beneficial therapeutic value in the treatment of any disease or ailment in animals; or which advertisements fail to reveal that changes from the conditions prevailing at the time of installation may render the atmosphere in which respondent's devices for the treatment of air are operated, irritant to the respiratory organs; that the concentration of ozone in any case should not be allowed to exceed one half part of ozone to one million parts of air; that breathing near the devices should be avoided, and that the inhalation of excessive amounts of ozone may result in irritation of the respiratory organs; and, II, in connection with the offering for sale, sale and distribution of respondent's devices designated "Homozone", or any other devices of substantially similar character, whether sold under the same name or under any other name, in commerce, representing, directly or by implication, (a) that the use of said Homozone devices, designed for the treatment of air, will destroy odors unless limited to such odors which, by reason of their composition or degree of concentration, may be oxidized by ozone, and as to these odors that the deodorizing effect is limited by the amount of ozone generated and available for oxidation; (b) that said devices, designed for the treatment of air, have any effect upon the perceptibility of odors that cannot be oxidized in excess of a masking effect or the fatigue of the sensory organs caused by ozone; or (c) that the amount of ozone generated by said devices, designed for the treatment of water, will deodorize water or render it free from bacteria except in cases of slight pollution, or will render water palatable, sterile or free from objectionable odors, regardless of its condition; or will render cloudy water clear or sparkling; prohibited, subject to the provision, however, as respects the disclosures required in Part I of the order, that any such advertisements need contain only the statement "Caution: Use and operate only as directed", if and when the directions for use and operation are attached to the device and contain the required revelations. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45 (b)) [Cease and desist order, Automatic Electrical Devices Co., Docket 4741, June 29, 1945]

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 29th day of June, A. D. 1945.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent and a stipulation as to the facts entered into between the respondent herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which stipulation provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon, and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Automatic Electrical Devices Co., its officers, representatives, agents and employees directly or through any corporate or other device in connection with the offering for sale, sale or distribution of respondent's devices designated "Homozone" or any other devices of substantially similar character, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or by implication:

(a) That the use of respondent's Homozone devices, designed for the treatment of air, in connection with humans, constitutes a competent, adequate or effective treatment for sinus trouble, heart ailments, and diseases or ailments of the respiratory system, including asthma, bronchitis and hay fever; will avert headaches or colds; will lessen fatigue, destroy bacteria, or improve and promote the general health;

(b) That the use of said devices, designed for the treatment of air, in connection with poultry, will reduce deaths, prevent disease or its effects; will have any effect upon the organisms causing infectious diseases or will prevent the spread of infectious diseases; will be beneficial in the treatment of respiratory ailments; will cure roup or have any beneficial therapeutic value in the treatment of any disease or ailment in poultry;

(c) That the use of said devices, designed for the treatment of air, in connection with animals, will be beneficial in the treatment of respiratory diseases or will have any beneficial therapeutic value in the treatment of any disease or ailment in animals.

(2) Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement fails to reveal that changes from the conditions prevailing at the time of installation may render the atmosphere in which respondent's devices for the treatment of air are operated, irritant to the respiratory organs; that the concentration of ozone in any case should not be allowed to exceed one half part of ozone to one million parts of air; that breathing near the devices should be avoided, and that the inhalation of excessive amounts of ozone may result in irritation of the respiratory organs: *Provided, however*, That any such advertisement need contain only the statement "Caution: Use and operate only as directed", if and when the directions for use and operation are attached to the device and contain the revelations required by this paragraph.

(3) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce directly or indirectly the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act of respondent's devices, which advertisement contains any representation prohibited in paragraph (1) hereof; or which fails to contain the warning set forth in paragraph (2) unless the conditions of the proviso set forth therein are observed.

It is further ordered, That the respondent Automatic Electrical Devices Co., its officers, representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of respondent's devices designated "Homozone", or any other devices of substantially similar character, whether sold under the same name or under any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

(a) That the use of said Homozone devices, designed for the treatment of air, will destroy odors unless limited to such odors which, by reason of their

composition or degree of concentration, may be oxidized by ozone, and as to these odors that the deodorizing effect is limited by the amount of ozone generated and available for oxidation;

(b) That said devices, designed for the treatment of air, have any effect upon the perceptibility of odors that cannot be oxidized in excess of a masking effect or the fatigue of the sensory organs caused by ozone;

(c) That the amount of ozone generated by said devices, designed for the treatment of water, will deodorize water or render it free from bacteria except in cases of slight pollution, or will render water palatable, sterile or free from objectionable odors, regardless of its condition; or will render cloudy water clear or sparkling.

It is further ordered, That the respondent shall within sixty (60) days after the service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 45-12562; Filed, July 11, 1945; 11:09 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5461]

PART 3—INCOME TAX UNDER THE REVENUE ACT OF 1936

PART 9—INCOME TAX UNDER THE REVENUE ACT OF 1938

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

PART 30—REGULATIONS UNDER THE EXCESS PROFITS TAX ACT OF 1940

PART 35—EXCESS PROFITS TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

COMPUTATION OF NONTAXABLE INCOME FROM EXEMPT EXCESS OUTPUT AND NONTAXABLE BONUS INCOME IN RELATION TO COMPUTATION OF DEPLETION OF CERTAIN NATURAL DEPOSITS

Regulations 112 and 109, insofar as they relate to the computation of nontaxable income from exempt excess output and of nontaxable bonus income, and Regulations 111, 103, 101, 94, 86, and 77, insofar as they relate to the computation of depletion of certain natural deposits, amended.

Regulations 112 (26 CFR, Cum. Supp., Part 35), Regulations 109 (26 CFR 1941 Supp., Part 30), Regulations 111 (26 CFR, Cum. Supp., Part 29), Regulations 103 (26 CFR, 1940 Supp., Part 19), Regulations 101 (26 CFR, 1939 Supp., Part 9), Regulations 94 (26 CFR, Part 3), Regulations 86, and Regulations 77 are amended as follows:

Regulations 112

PARAGRAPH 1. Section 35.735–2 (i) (2), as amended by Treasury Decision 5404, approved September 15, 1944, is further amended as follows:

(A) By inserting at the end of the second paragraph the following: "If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation, other than the computation of profits proportionate to costs, clearly reflects the gross income from the property, then such gross income shall be computed by the use of such other method."

(B) By inserting at the end of the fourth paragraph beginning with the words "In case any of the ordinary treatment processes" the following: "If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation, other than the computation of profits proportionate to costs, clearly reflects the gross income from the property, then such gross income shall be computed by the use of such other method."

PAR. 2. Section 35.735–2 (l) (2), as amended by Treasury Decision 5404, is further amended as follows:

(A) By inserting at the end of the first paragraph the following: "If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation, other than the computation of profits proportionate to costs, clearly reflects the gross income from the timber block, then such gross income shall be computed by the use of such other method."

(B) By inserting at the end of the fifth paragraph the following: "If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation, other than the computation of profits proportionate to costs, clearly reflects the gross income from the natural gas property, then such gross income shall be computed by the use of such other method."

PAR. 3. Section 35.735–3 (a), as amended by Treasury Decision 5404, is further amended by striking from example (2) that portion immediately preceding the headings of the numbered columnar computation and inserting in lieu thereof the following:

Example (2). Corporation A, which is on a calendar year basis, owns a mineral property from which it extracts minerals containing gold and silver. The output of silver for each of its four base period years was 2,500,000 ounces, and of gold was 12,500 ounces. The "gross income from the property" for each base period year was the sum of the net smelter returns of $1,500,000 received for silver and $437,500 for gold, a total of $1,937,500. Allowable deductions, excluding the allowance for depletion, amounted to $1,000,000. Of the amount of such deductions, $774,193.55 represented the amount allocable to silver production

$$\left(\frac{1,500,000}{1,937,500} \text{ times } \$1,000,000\right)$$

and $225,806.45 represented the amount allocable to gold production

$$\left(\frac{437,500}{1,937,500} \text{ times } \$1,000,000\right).$$

The net income from the mineral property (computed without the allowance for depletion) was $725,806.45 attributable to silver and $211,693.55 attributable to gold. The allowance for percentage depletion computed with respect to silver mining was $225,000 (15 percent of $1,500,000 but not in excess of 50 percent of $725,806.45); the allowance for such depletion computed with respect to gold mining was $65,625 (15 percent of $437,500 but not in excess of 50 percent of $211,693.55). For 1942, the total output of silver was 4,800,000 ounces and of gold was 8,000 ounces. The "gross income from the property" for 1942 was the sum of the net smelter returns of $3,360,000 received for silver and $280,000 received for gold, a total of $3,640,000. Allowable deductions, excluding the allowance for depletion, amounted to $1,280,000. Of the amount of such deductions, $1,181,538.46 represented the amount allocable to silver production

$$\left(\frac{3,360,000}{3,640,000} \text{ times } \$1,280,000\right)$$

and $98,461.54 represented the amount allocable to gold production

$$\left(\frac{280,000}{3,640,000} \text{ times } \$1,280,000\right).$$

The net income from the mineral property (computed without the allowance for depletion) was $2,178,461.54 attributable to silver and $181,538.46 attributable to gold. The allowance for percentage depletion computed with respect to silver mining was $504,000 (15 percent of $3,360,000 but not in excess of 50 percent of $2,178,461.54); the allowance for such depletion computed with respect to gold mining was $42,000 (15 percent of $280,000 but not in excess of 50 percent of $181,538.46). It is estimated that as of December 31, 1942, there were 19,200,000 units of silver and 32,000 units of gold remaining in the mineral property. There is no nontaxable income from exempt excess output of gold, since the normal output exceeds the 1942 output of that metal. The nontaxable income from exempt excess output of silver is $138,220.80, computed as follows:

PAR. 4. Section 35.735–6, as amended by Treasury Decision 5404, is further amended as follows:

(A) By adding immediately preceding the third sentence from the end of the portion designated (a) the following: "If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation clearly reflects the net income attributable to the output in excess of the quota, the net income so attributable shall be computed by the use of such other method."

(B) By adding immediately at the end of the portion designated (a) the following: "If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation clearly reflects the net income attributable to the output in excess of the quota established for such type, then the net income so attributable shall be computed by the use of such other methods."

(C) By adding immediately preceding the last sentence of the portion designated (b), which sentence begins with the words "Net income computed", the following: "If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation clearly reflects the net income attributable to the output in excess of the quota, then the net income so attributable shall be computed by the use of such other method."

(D) By striking from the example that portion immediately preceding the num-

bered columnar computation and inserting in lieu thereof the following:

Example. Corporation C, which is on a calendar year basis, owns a mineral property from which it extracts copper ore. The output of copper for each of the four base period years was 4,380,000 pounds. The 1942 output of copper was 5,500,000 pounds. With respect to Corporation C, a 1942 quota of 4,000,000 pounds of copper was established and a bonus of $0.05 per pound was paid for above quota production. The "gross income from the property" for 1942 was the sum of the net smelter returns, $660,000, and the bonus payments of $75,000, a total of $735,000. Allowable deductions, excluding the allowance for depletion, amounted to $579,700. Net income from the property, without regard to the allowance for depletion, was $155,300. Percentage depletion amounted to $77,650 (15 percent of $735,000 but not in excess of 50 percent of $155,300). As of December 31, 1942, it was estimated that 35,000,000 pounds of copper remained in the mineral property. Since the excess output for 1942 did not exceed five percent of the estimated recoverable units for 1942, nontaxable income from exempt excess output is not authorized by section 735 (b) (1). The amount of nontaxable bonus income for 1942 is $21,177 computed as follows:

PAR. 5. Section 35.735–7, as amended by Treasury Decision 5404, is further amended by striking out the first paragraph of the example and inserting in lieu thereof the following:

Example. Corporation P, which is on a calendar year basis, owns a mineral property from which it extracts minerals containing lead and silver. For each of the four taxable years in the base period the output of lead was 1,000,000 pounds and of silver was 100,000 ounces. The "gross income from the property" for each year in the base period was the sum of the net smelter returns of $50,000 received for lead and $70,000 for silver, a total of $120,000. Allowable deductions for each year, excluding the allowance for depletion, amounted to $40,000. Of the amount of such deductions, $16,666.67 represented the amount allocable to lead production

$$\left(\frac{50,000}{120,000} \text{ times } \$40,000\right)$$

and $23,333.33 represented the amount allocable to silver production

$$\left(\frac{70,000}{120,000} \text{ times } \$40,000\right).$$

The net income from the mineral property (computed without the allowance for depletion) was $33,333.33 attributable to lead and $46,666.67 attributable to silver. The allowance for percentage depletion computed with respect to lead mining was $7,500 (15 percent of $50,000 but not in excess of 50 percent of $33,333.33); the allowance for such depletion computed with respect to silver mining was $10,500 (15 percent of $70,000 but not in excess of 50 percent of $46,666.67). For 1942, the output of lead was 1,600,000 pounds and of silver was 160,000 ounces. A quota of 900,000 pounds of lead was established by the War Production Board and the Office of Price Administration with respect to the taxpayer and a bonus of $0.02¾ per pound was paid to the taxpayer with respect to production in excess of such quota. The "gross income from the property" for the year 1942 was $235,250 consisting of $123, 250 attributable to lead (the sum of the net smelter returns of $104,000 received for lead and the bonus payment of $19,250 for above-quota production of lead) and $112,000 attributable to silver. Allowable deductions for the year excluding allowance for depletion amounted to $80,000. Of the amount of such deductions, $41,912.86 represented the amount allocable to lead production

$$\left(\frac{123,250}{235,250} \text{ times } \$80,000\right)$$

and $38,087.14 represented the amount allocable to silver production

$$\left(\frac{112,000}{235,250} \text{ times } \$80,000\right).$$

The net income from the mineral property (computed without the allowance for depletion) was $81,337.14 attributable to lead and $73,912.86 attributable to silver. The allowance for percentage depletion computed with respect to lead mining was $18,487.50 (15 percent of $123,250 but not in excess of 50 percent of $81,337.14); the allowance for such depletion computed with respect to silver mining was $16,800 (15 percent of $112,000 but not in excess of 50 percent of $73,912.86). It is estimated that as of December 31, 1942, there were 6,500,000 pounds of lead and 510,000 ounces of silver remaining in the mineral property. For 1942, the amount of nontaxable income from exempt excess output of lead was $3,099.60, the amount of nontaxable bonus income from lead was $19,250, and the amount of nontaxable income from exempt excess output of silver was $6,510.06.

Regulations 109

PAR. 6. Section 30.735–2 (i) (2), as added by Treasury Decision 5286, approved July 22, 1943, is amended as follows:

(A) By striking out the first two paragraphs and inserting in lieu thereof the following:

For the purposes of section 735, the term "gross income from the property" for any year in the base period means the gross income from mining. The term "mining" as used herein includes not only the extraction of ores or minerals from the ground but also the ordinary treatment processes which are normally applied by the mine owners or operators to the crude mineral product after extraction in order to obtain the commercially marketable mineral product or products.

If the taxpayer sells the crude mineral product of the property in the immediate vicinity of the mine, "gross income from the property" means the amount for which such product was sold, but, if the product is transported or processed (other than by the ordinary treatment processes described below) before sale, "gross income from the property" means the representative market or field price (as of the date of sale) of a mineral product of like kind and grade as beneficiated by the ordinary treatment processes actually applied, before transportation of such product. If there is no such representative market or field price (as of the date of sale), then there shall be used in lieu thereof the representative market or field price of the first marketable product resulting from any process or processes (or, if the product in its crude mineral state is merely transported, the price for which sold) minus the costs and proportionate profits attributable to the transportation and the processes beyond the ordinary treatment processes. If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation, other than the computation of profits proportionate to costs, clearly reflects the gross income from the property, then such gross income shall be computed by the use of such other method.

The term "ordinary treatment processes", as used herein, shall include the following:

(i) In the case of coal—cleaning, breaking, sizing and loading for shipment;

(ii) In the case of sulphur—pumping to vats, cooling, breaking, and loading for shipment;

(iii) In the case of iron ore and ores which are customarily sold in the form of a crude mineral product—sorting, concentrating, and sintering to bring to shipping grade and form, and loading for shipment;

(iv) In the case of lead, zinc, copper, gold, or silver ores, and ores which are not customarily sold in the form of the crude mineral product—crushing, grinding, and beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic), cyanidation, leaching, crystallization, precipitation, or by substantially equivalent processes or combination of processes used in the separation or extraction of the product or products from the ore. The furnacing of quicksilver ores is included in the term "ordinary treatment processes." The following processes are not included in the term "ordinary treatment processes": electrolytic deposition, roasting, termal or electric smelting, refining, or substantially equivalent processes.

In case any of the ordinary treatment processes are not applied in the immediate vicinity of the mining district in which the mine is located, costs incurred for transportation to the processing location and, if transported by the taxpayer, the proportionate profits attributable to transportation, should be subtracted from the sale price of the product to determine "gross income from the property." If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation, other than the computation of profits proportionate to costs, clearly reflects the gross income from the property, then such gross income shall be computed by the use of such other method.

(B) By changing the last sentence in the last paragraph to read as follows: "If the gross income from the property is determined by excluding the costs and proportionate profits attributable to transportation and to processes other than the ordinary treatment processes listed above, or if such gross income is an amount different from the gross proceeds received from the sale of the minerals, the gross income attributable to each type of metal, coal, or nonmetallic substance shall be an amount which bears the same ratio to the gross income from the property which the gross proceeds received from the sale of such type of metal, coal, or nonmetallic substance in the minerals bears to the total gross proceeds received from the sales of all such types."

PAR. 7. Section 30.735–4, as amended by Treasury Decision 5311, approved December 14, 1943, is further amended as follows:

(A) By adding immediately preceding the third sentence from the end of the

portion designated (a) the following: "If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation clearly reflects the net income attributable to the output in excess of the quota, then the net income so attributable shall be computed by the use of such other method."

(B) By adding immediately at the end of the portion designated (a) the following:

"If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation clearly reflects the net income attributable to the output in excess of the quota established for such type, then the net income so attributable shall be computed by the use of such other method."

(C) By adding immediately preceding the last sentence of the portion designated (b) the following: "If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation clearly reflects the net income attributable to the output in excess of the quota, then the net income so attributable shall be computed by the use of such other method."

Regulations 111

PAR. 8. Section 29.23 (m)–1 (f), as amended by Treasury Decision 5413, approved October 31, 1944, is further amended as follows:

(A) By inserting at the end of the fourth paragraph, which begins with the words "If the taxpayer" the following: "If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation, other than the computation of profits proportionate to costs, clearly reflects the gross income from the property, then such gross income shall be computed by the use of such other method."

(B) By inserting at the end of the next to the last paragraph the following: "If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation, other than the computation of profits proportionate to costs, clearly reflects the gross income from the property, then such gross income shall be computed by the use of such other method."

Regulations 103, 101, 94, 86, and 77

PAR. 9. Section 19.23 (m)–1 (f) of Regulations 103, article 23 (m)–1 (f) of Regulations 101, article 23 (m)–1 (g) of Regulations 94 and 86, and article 221 (f) of Regulations 77, as amended by Treasury Decision 5413, are further amended as follows:

(A) By inserting immediately after the fourth paragraph, which begins with the words "If the taxpayer" the following: "If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation, other than the computation of profits proportionate to costs, clearly reflects the gross income from the property, then such gross income shall be computed by the use of such other method."

(B) By inserting at the end of the sixth paragraph beginning with the words "In case any of the ordinary treatment processes" the following: "If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation, other than the computation of profits proportionate to costs, clearly reflects the gross income from the property, then such gross income shall be computed by the use of such other method."

(Sec. 62, I.R.C. and Revenue Acts of 1938, 1936, 1934, and 1932, respectively (53 Stat. 32; 52 Stat. 480; 49 Stat. 1673; 48 Stat. 700; 47 Stat. 191; 26 U.S.C. 62) and sec. 62 of I.R.C. as made applicable by sec. 729 (a) of I.R.C. (54 Stat. 989; 26 U. S. C. 729 (a)))

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved July 9, 1945.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 45–12559; Filed, July 11, 1945; 10:08 a. m.]

TITLE 29—LABOR

Chapter VIII—Commissioner of Internal Revenue

[T. D. 5462]

PART 1002—STABILIZATION OF SALARIES

BONUS LIMITATIONS

Treasury Decision 5295 (29 CFR, Part 1002), relating to the stabilization of salaries under the act of October 2, 1942, is amended, for fiscal and calendar years ending subsequent to December 31, 1943, as follows:

Subparagraph (4) of the third paragraph of § 1002.14, as added by the second paragraph of paragraph 4 of Treasury Decision 5406 (9 F.R. 11837), is amended to read as follows:

(4) (a) If the employer has, prior to October 3, 1942, customarily paid bonuses on a fixed percentage basis or had entered into a contractual agreement prior to that date to pay bonuses on a fixed percentage basis, the employer may pay a bonus determined in accordance with such custom or agreement, provided no change has been made in either the percentage or method of determining the bonus fund, and no change has been made in the percentage or method of determining the amount payable to each employee.

(b) If the employer had, prior to October 3, 1942, customarily paid bonuses out of a fund based on a fixed percentage of profits, sales or the like, the employer may, without prior approval, pay a bonus determined in accordance with such custom provided no change has been made in either the percentage or method of determining the bonus fund, and no change has been made in the basis of determining the amount payable to each employee.

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: July 9, 1945.

JOSEPH J. O'CONNELL, Jr.,
Secretary of the Treasury.

[F. R. Doc. 45–12558; Filed, July 11, 1945; 10:08 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, as amended July 5, 1945, Amdt. 1]

Section 944.34 *Priorities Regulation 13* is amended in the following respects:

I. In paragraph (j) (2), next to last sentence, delete the words "presently prohibited."

II. List A is amended in the following respects:

PART I

1. Delete "Chromium," and the references to it in columns 2 and 3.
2. Delete "Copper raw materials (refinery shapes and copper and copper base alloy ingots)," and the references to them in columns 2, 3 and 4.
3. Delete "Inconel (see Nickel)."
4. Delete "Monel (see Nickel)."
5. Delete "Nickel (new and used)," "Nickel pig, ingot, cathode, pellet, shot and anode," and "Other nickel (including monel and inconel)," and all references to these items in columns 2, 3 and 4.

PART III

6. Delete "Fabrics (woven, felted, knitted and braided)," all sub-listings under it and references to them in columns 2, 3 and 4.
7. Amend "Cordage fibers" in column 1 to read: "Cordage fibers (Manila and agave only)," and delete the sub-listings.
8. Delete "Textile fibers," all sub-listings under it, and references to them in columns 2 and 3.
9. In the listing "Materials obtained under Conservation Orders M–328B, M–385, M–317, M–317A, M–317B and Orders in the M–388 series," delete: "M–385," "M–317," "M–317A" and "M–317B."
10. Insert before "Rope," the following new listing:

(1)	(2)	(3)
Nylon (Fabrics, Fibers, Yarns and Thread) --------	WPB–1161	WPB–1161

11. Amend "Rope" in column 1 to read: "Rope (Manila or agave only)*".
12. Amend not in column 4 relating to "Rope" by deleting the words "manufactured from cotton or any cordage fiber".
13. Delete "Silk: Raw" and corresponding references in columns 2 and 3.
14. Delete "Yarns and thread", all sub-listings under it and references to them in columns 2 and 3.

PART IV

15. Opposite "Containerboard", insert an asterisk after "WPB–1161" in column 2 and insert the following note in column 4:

*No WPB–1161 authorization required providing the buyer gives the following certification and that the letter "X" does not appear in it as part of the authorization num-

ber: "Authorized under Order M-290. Date of authorization _____, authorization number _____."

PART V

16. Amend subparagraph 5, in column 4 relating to "Bearings, anti-friction," to read: "If the holder has been unable within 15 days to dispose of the bearings to the producer on a mutually satisfactory basis or to any of the outlets in (1), (2), (3) or (4) above, the holder may sell them freely; or"

17. Amend subparagraph 6, in column 4 relating to "Bearings, anti-friction", to read as follows: "If the quantity to be sold in any month costs less than $250, they may be sold freely; or"

18. Amend the listings under "Electronic Parts and Equipment" in the following respects:

a. Delete "Electronic Equipments" and the corresponding references in columns 2, 3 and 4.

b. Under "Capacitors: Paper dielectric":

i. Opposite "Oil impregnated" change columns 2 and 3 to read "PR-AA3".

ii. Delete "Oil impregnated power factor type" and corresponding references in columns 2 and 3.

Delete "Molded bakelite" and corresponding references in columns 2 and 3.

c. Delete "Coaxial cable" and the corresponding references in columns 2 and 3.

d. Opposite "Instruments, electrical indicating, combat type" change columns 2 and 3 to read "PR-AA3".

e. Opposite "Relays" change columns 2 and 3 to read "PR-AA3".

f. Under "Resistors" delete "Wire wound (others)" and corresponding references in columns 2 and 3.

g. Opposite "Shock mounts" change columns 2 and 3 to read "PR-AA3."

h. Delete "Transformers and Reactors", the sub-listings under it and references to them in columns 2 and 3.

i. Amend the sub-listings under "Tubes (radio and radar)" to read as follows:

(1)	(2)	(3)	(4)
Restricted Tubes* 1A3, 1L4, 2C38, 2C39, 2C40, 2C43, 2D21, 3A5, 3E29, 3Q4, 5Y3GT/G, 5C22, 6AC7W, 6AG5, 6AG7, 6J4, 6SL7GT, 6SN7GT, 6SN7W, 7F8, 28D7, 931A, 1620.	WPB-1161	WPB-1161	*May not be sold to tube reprocessors except on specific authorization from WPB.

(1)	(2)	(3)
Other tubes:		
JAN inspected	PR-AA1	PR-AA1.
All others	PR-AA3	PR-AA3.

III. List B is amended in the following respects:

PART V

1. Amend subparagraph 2 in column 3 relating to "Bearings: Anti-friction . . ." to read as follows: "If the quantity to be sold in any month costs less than $250, they may be sold freely."

2. Amend the listings under "Electronic Parts and Equipment" in the following respects:

a. Delete "Electronic Equipments" and the corresponding references in columns 2 and 3.

b. Under "Capacitors: Paper dielectric":

i. Opposite "Oil impregnated" change column 2 to read "PR-AA3".

ii. Delete "Oil impregnated power factor type" and corresponding reference in column 2.

iii. Delete "Molded bakelite" and corresponding reference in column 2.

c. Delete "Coaxial cable" and the corresponding reference in column 2.

d. Opposite "Instruments, electrical indicating, combat type" change column 2 to read "PR-AA3".

e. Opposite "Relays" change column 2 to read "PR-AA3".

f. Under "Resistors" delete "Wire wound (others)" and corresponding reference in column 2.

g. Opposite "Shock mounts" change column 2 to read "PR-AA3".

h. Delete "Transformers and Reactors", the sub-listings under it and references to them in column 2.

i. Amend the sub-listings under "Tubes (radio and radar)" to read as follows:

(1)	(2)
Restricted Tubes—1A3, 1L4, 2C38, 2C39, 2C40, 2C43, 2D21, 3A5, 3E29, 3Q4, 5Y3GT/G, 5C22, 6AC7W, 6AG5, 6AG7, 6J4, 6SL7GT, 6SN7GT, 6SN7W, 7F8, 28D7, 931A, 1620.	WPB-1161.
Other tubes:	
JAN inspected	PR-AA1.
All others	PR-AA3.

Issued this 11th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-12575; Filed, July 11, 1945; 11:31 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-638, Revocation]

ZION'S COOPERATIVE MERCANTILE INSTITUTION

Suspension Order No. S-638 was issued October 9, 1944, against Zion's Cooperative Mercantile Institution of Salt Lake City, Utah, for violation of Conservation Order L-41. In view of the recent amendment to Conservation Order L-41, Deputy Chief Compliance Commissioner Flood has directed that Suspension Order No. S-638 be revoked forthwith.

In view of the foregoing it is hereby ordered, that: § 1010.638 *Suspension Order No. S-638* be revoked.

Issued this 10th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-12548; Filed, July 10, 1945; 4:38 p. m.]

PART 3270—CONTAINERS

[Limitation Order L-317, Direction 4, as Amended July 11, 1945]

PAPER CUPS EXEMPT FROM PARAGRAPH (G) QUOTA RESTRICTIONS

Direction 4 to Limitation Order L-317 is amended to read as follows:

Those "cups" that are exempt from the Schedule III Class of Products entitled "Paper or paper products" shall be regarded as including only such cups that are made from the grade of paper which must be reported under the caption number 224.004 on WPB-Form 514, referred to in Order M-241. Therefore, except for such cups, the use of new fibre shipping containers to store, pack or ship paper cups is subject to the quota restrictions of paragraph (g) of Order L-317.

Issued this 11th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-12577; Filed, July 11, 1945; 11:31 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Limitation Order L-349]

OIL BURNING EQUIPMENT

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of fuel oil used for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3288.86 *Limitation Order L-349*—(a) *Definitions.* For the purposes of this order:

(1) "Oil burning equipment" means any device which is designed for burning fuel oil for furnishing heat. It includes but is not limited to the following types:

(i) Mechanical, steam or air atomizer oil burner.

(ii) Vertical or horizontal rotary oil burner.

(iii) Mechanical vaporizing oil burner.

(iv) Pot type and sleeve type vaporizing oil burner.

It shall include any oil burner for any boiler burner unit or for any furnace burner unit, any oil burner used as part of any water heater and any combination oil and gas burner, but does not include any oil burner used as a part of any domestic cooking appliance or of any domestic heating stove as defined in Limitation Order L-23-c or any oil burner used in connection with any locomotive scheduled under L-97, or any oil burner used as a part of any commercial cooking and food and plate warming equipment designed for cooking or baking of food or heating of kitchen utensils or plates (Commercial cooking and food and plate warming equipment does not include appliances for household use).

(b) *Restrictions on sale and installation.* No person shall sell to, or install for, an ultimate consumer any oil burning equipment except:

(1) To replace oil burning equipment which is worn out, damaged beyond practical repair or destroyed; or

(2) To make any other installation where the use of oil for that particular installation has been approved by either the Petroleum Administration for War or the Office of Price Administration depending on which agency has jurisdiction over the use of fuel oil for the installation in question.

(c) *Exceptions.* The provisions of this order shall not apply:

(1) To the sale or installation of oil burning equipment procured for use outside the United States, Alaska, or Hawaii; or

(2) To any oil burning equipment specifically designed or manufactured for shipboard use when obtained by or for the account of the Army, the Navy, the Maritime Commission, or the War Shipping Administration.

(d) *Communications.* All communications with reference to applications for approval of the use of oil under the provisions of paragraph (b) (2) should be addressed to the local War Price and Rationing Board or to the nearest district office of the Petroleum Administration for War. All other communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref: L-349.

(e) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 11th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-12576; Filed, July 11, 1945; 11:31 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-70, as Amended July 11, 1945]

JUTE AND JUTE PRODUCTS

§ 3290.271 *Conservation Order M-70*—(a) *Control and allocation.* No processor shall make or accept delivery of, or use or put into process raw or scrap jute, jute products or scrap jute manufactured products in violation of directions of the War Production Board issued pursuant to this paragraph. The War Production Board may from time to time allocate the supply of raw and scrap jute, jute products and scrap jute manufactured products, and specifically direct the time, manner and quantities in which deliveries to or by particular processors shall be made or withheld. Raw jute will not be allocated from government stockpile to any processor in any amount that will result in the processor, at the time of receipt of the raw jute so allocated, having in excess of 9 months' supply of raw jute in Group I or equivalent grades or in excess of 4 months' supply of raw jute in Group III or equivalent grades. Persons who have not previously consumed raw jute and who therefore cannot calculate a months' supply on the basis of previous consumption, may, nevertheless, apply for an allocation of raw jute to be consumed by them within a stated period following allocation. Likewise, processors who have not consumed raw jute in the 4 months preceding the date of application, in the particular Group required, in a quantity sufficient to justify allocation of the amount requested under the foregoing rule, may apply for an allocation of jute in that Group to be consumed by them within a stated period following allocation. The War Production Board may also direct or prohibit particular uses of raw and scrap jute, jute products and scrap jute manufactured products. For the purpose of this paragraph: "Supply of raw jute" means raw jute on hand or which has arrived in the continental United States for the account of a processor; "Group" means classifications or grades of raw jute established by the War Production Board; a "month's supply" shall be calculated by taking the average monthly consumption of the particular Group by the processor in the 4 months preceding the date of application for an allocation.

(b) *Restrictions on processing, sale and use.* (1) (i) No person shall use or put into process any raw jute, except for the manufacture of the products listed in List A.

(ii) No person shall use any domestically made product listed in List A, except for the uses there specified.

(iii) No person shall use any imported jute product listed in List C, except for the uses there specified.

(iv) Where restrictions on sale are listed in List A or C, no person shall sell any product covered by such restrictions, except in conformity with those restrictions.

(2) No processor shall put into process in any calendar month more raw jute than is necessary to meet his required deliveries of jute products and to maintain a practicable minimum working inventory. The term "practicable minimum working inventory" is to be strictly construed as meaning the minimum inventory which will permit of economical operation of plant and will depend, in each case, upon the practicability of changing a spinning system from the manufacture of one product to another.

(3) Whether he uses jute or any other fiber, no person shall use any soft fiber carding, drawing, roving or spinning machinery in the manufacture of any products other than products specifically permitted in this order, or in any other conservation order of the War Production Board specifically regulating the end uses for which fiber may be processed. This subparagraph does not apply to machinery normally used for processing scrap jute or jute butts.

(c) *Restrictions on delivery.* No person shall sell or deliver any product controlled by this order if he knows or has reason to believe that the person who is buying or accepting delivery of the product will use it in a manner which this order, including Lists A and C, does not permit. He should satisfy himself as to this in some reasonable manner before making delivery. He may, but need not, require a statement in writing showing the specific purpose or use for which the item is ordered.

(d) *Importations.* The importation of jute and jute products shall be made in conformity with the provisions of General Imports Order M-63, as amended from time to time.

(e) *Restrictions on the use of damaged jute and damaged jute products.* Any processor, person or dealer who has in his possession damaged jute defined in paragraph (f) (13), or jute products defined in paragraph (f) (3) that are damaged, shall report to the War Production Board the nature of the damage and the quantity not suitable for the manufacture of the products, or for the end uses, permitted by this order. The report shall be by letter setting forth all pertinent facts, including a statement of the portion of each bale or package actually damaged. After making that report and receiving from the War Production Board an acknowledgement which does not object to his claim of damage, he may then use or dispose of the portion of each bale or package, actually damaged and so reported, free from the restrictions of this order excepting the restrictions in paragraph (b) (3).

(f) *Definitions.* For the purposes of this order:

(1) "Raw jute" means unprocessed jute, meshta, urena lobata (commonly called congo jute) and punga, in each case excluding butts.

(2) "Scrap jute" means the material commonly called scrap jute, including millrun bagging, and sugar cloth; and burlap, excepting roofing bagging, which has been used as a container or cover, but which cannot be reclaimed for use as a container or cover by mending or other means.

(3) "Jute product" means any product processed from raw jute, either alone or in combination with other material, including but not limited to yarn, roving, rope, twine, scrim, webbing, brattice cloth, linoleum burlap, woven jute fabric, imported jute bags, sacking cloth, interlinings, and new or rewoven bale covering containing raw jute for covering raw cotton. The term shall not include burlap as defined in Conservation Order M-47, as amended, or sugar sacking for sugar areas in the Western Hemisphere.

(4) "Scrap jute manufactured product" means any end product manufactured from scrap jute either alone or in combination with other material including, but not limited to, new or rewoven jute bale covering for covering raw cot-

ton, carded or garnetted jute felt or jute sliver, oakum and twisted jute packing and punched jute felts.

(5) "Domestic jute product" means any jute product processed in the continental United States.

(6) "Imported jute product" means any jute product, excepting burlap as defined in Order M–47, imported into the continental United States in the processed form.

(7) "Woven jute fabric" means fabric woven from jute and weighing not more than 6 ounces per yard, basis forty inches wide, excepting scrim.

(8) "Scrim" means a woven fabric composed of single yarns, not exceeding 10 threads per inch, counting the warp and filling, and weighing not more than 3.6 ounces per yard, basis forty inches wide.

(9) "Webbing" means a woven fabric, with fast edges, not exceeding 12 inches in width.

(10) "Processor", as applied to raw jute, means any person who puts into process in the continental United States raw jute, by performing any operation up to or through the manufacture of roving or yarn; as applied to scrap jute, it means any person who puts into process in the continental United States scrap jute for any purpose.

(11) "Put into process", as applied to raw jute, means placing it upon a processing machine; as applied to scrap jute, it means reclamation either by mending, by converting into fiber, or by placing scrap jute or the fiber resulting from such conversion upon a processing machine.

(12) "Dealer" means any person who purchases jute or jute products for resale but does not include a person who sells only at retail.

(13) "Damaged jute" means jute that has been rejected by Defense Supplies Corporation, or jute upon which an adjustment has been made by an insurance adjuster as a result of any kind of damage making a given bale or bales unsuitable, wholly or in part, for use in the manufacture of products permitted by this order.

(14) "Continental United States" means the forty-eight states and the District of Columbia.

(g) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(h) *Reports.* Each person classified below must within the period specified in the reporting form, file with the War Production Board each form applicable to his operations, giving the information required, as follows:

Who shall file	*Form number*
A person in the business of receiving, processing, owning or controlling raw jute.	WPB–914 (Formerly PD–469); WPB–2901, Part III.
A person in the business of processing scrap jute.	WPB–3712.

(i) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Reference M–70.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with The Federal Reports Act of 1942.

Issued this 11th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

(1) Single or plied yarn or roving for use in, or as:

(i) Fuses.

(ii) Electric cable or electric appliances, whether such yarn or roving is treated or untreated.

(iii) Packing material, braided or twisted, to fill orders bearing a preference rating of AA–5 or higher.

NOTE: Items (iv), (v), (vi), (vii) and (viii) formerly (v), (vi), (vii), (viii) and (ix), redesignated; former item (iv) deleted, July 11, 1945.

(iv) Jute centers for wire rope and wire cable.

(v) Webbing, to fill orders bearing a preference rating of AA–5 or higher.

(vi) Webbing, for purposes other than those specified in subparagraph (1) (vi) of this List A in an amount in any calendar month not in excess of 20% of his average monthly shipments during the calendar year 1941.

(vii) Twine.

(viii) Rope.

(2) Single yarn or scrim for use in reinforced paper.

NOTE: Items (3) and (4), formerly (5) and (6), redesignated, July 19, 1945.

(3) Jute sliver for use in the manufacture of tinned copper or copper alloy products.

(4) Any other products not specifically elsewhere provided for in this order to fill orders of and to the extent approved under the specifications of the Army or Navy of the United States, the Maritime Commission or the War Shipping Administration.

LIST B: Deleted May 9, 1944.

LIST C

(1) Brattice cloth, treated or untreated, for use in the control of air flow in mines.

(2) Bale covering, for covering raw cotton.

(3) Scrim, for the manufacture of reinforced paper.

(4) Linoleum burlap, for supplying to or for physical incorporation into products to fill orders for the Army or Navy of the United States, the Veterans Administration, the United States Maritime Commission or the War Shipping Administration, but only to the extent that the use of such linoleum burlap is specifically required by the terms of the prime contract involved, or to accumulate stocks of linoleum, within the limits permitted by § 944.14 of Priorities Regulation No. 1 for sale exclusively to any of the agencies mentioned herein.

(5) Woven jute fabric, to fill orders bearing a preference rating of AA–5 or higher.

(6) Webbing and sacking cloth to fill orders bearing a preference rating of AA–5 or higher.

(7) Webbing and sacking cloth for purposes other than those specified in paragraph (6) of this List C, in an amount in any calendar month not in excess of 20% of his average monthly sales or use during the calendar year 1941.

(8) Jute bags for purposes permitted under Conservation Order M–221, as it may be amended from time to time.

(9) Single or plied jute yarn or roving for use in manufacture of rope.

(10) Hop cloth, for baling hops.

[F. R. Doc. 45–12580; Filed, July 11, 1945; 11:32 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M–84, as Amended Apr. 12, 1945, Amdt. 1]

CORDAGE FIBER, CORDAGE YARN, CORDAGE, AND HEMP FIBER

Section 3290.221 *Conservation Order M–84* is amended as follows:

1. In paragraph (a) (2), after "(ii) Agave" delete "583%" and insert in its place "614%".

2. Delete paragraph (d) (4).

3. In paragraph (l) (4), delete the words "including butts (often called cuttings), also", change the period after the word "waste" to a comma, and add "or butts of any type."

4. In paragraph (b) (1) (iii) change the word "bailer" to "baler".

Issued this 11th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–12572; Filed, July 11, 1945; 11:31 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M–328B, Amdt. 1 to Schedule B]

SPECIAL PROGRAM FOR COTTON AND WOOL MACHINE KNITTED ITEMS

Section 3290.120b *Schedule B to Conservation Order M–328B* is hereby amended in the following respect:

In the third and fourth lines of paragraph (c) (4), change the date "July 14, 1945" to "July 21, 1945."

Issued this 11th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–12585; Filed, July 11, 1945; 11:32 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Amdt. 1 to Schedule C]

SPECIAL PROGRAM FOR COTTON FABRICS FOR CHILDREN'S APPAREL ITEMS

Section 3290.120c *Schedule C to Conservation Order M-328B* is hereby amended in the following respects:

1. In the fifth and sixth lines of paragraph (c) (2), change the date "July 14, 1945" to "July 21, 1945."

Issued this 11th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-12578; Filed, July 11, 1945; 11:31 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Amdt. 1 to Schedule E]

SPECIAL PROGRAMS FOR KNITTED FABRICS FOR CIVILIAN ITEMS

Section 3290.120e *Schedule E to Conservation Order M-328B* is hereby amended in the following respect:

1. In the third and fourth lines of paragraph (c) (2), change the date "July 14, 1945" to "July 21, 1945."

Issued this 11th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-12573; Filed, July 11, 1945; 11:31 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, as Amended July 3, 1945, Amdt. 1]

SPECIAL PROGRAMS—TEXTILE, CLOTHING AND RELATED PRODUCTS

Section 3290.120 *Conservation Order M-328B* is hereby amended in the following respect:

1. In the third line of paragraph (c) (3), change the date "July 14, 1945" to "July 21, 1945."

Issued this 11th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-12586; Filed, July 11, 1945; 11:32 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supp. Order 113, Amdt. 1]

MANUFACTURERS' MAXIMUM AVERAGE PRICE FOR WOOL CIVILIAN APPAREL FABRICS

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Order No. 113 is amended in the following respect:

1. Section 15 is added to read as follows:

SEC. 15. *Special categories for low-end goods.* (a) The following shall be known as special categories:

(1) Category A–I shall consist of woven and Category A–II shall consist of knitted, snow suitings, ski suitings, and children's legging fabrics.

(2) Category B–I shall consist of 31- to 34-oz. manipulated all-wool meltons priced pursuant to § 1410.102 (b) of Maximum Price Regulation No. 163.

(3) Category C–I shall consist of all other woven, and Category C–II shall consist of all other knitted, meltons, melton type or fleece fabrics for mackinaws of all widths weighing 26 oz. per yard or more on a 56-inch width basis.

(b) A manufacturer may elect to exclude one or more of the above categories from Class I or Class II on condition that he observes for each category so excluded taken separately a maximum average price determined in accordance with paragraph (c) below.

(c) The maximum average price for the above special categories shall be:

(1) For special categories A–I, A–II, and B–I, the lower of the following two alternatives:

(i) The manufacturer's weighted average price for that category for either the first or second quarter of the calendar year 1945, or

(ii) The applicable figure below:

Class A–1	$1.50
Class A–II	1.50
Class B–I	1.85

(2) For category C–I or C–II, the manufacturer's weighted average price for either the first or second quarter of the calendar year 1945.

(d) If for any quarter a manufacturer's weighted average price for a category differs from his maximum average price for that category, his credit or surcharge for the corresponding class shall be increased or decreased, as the case may be, by the amount of the difference multiplied by the number of yards (less returns and allowances) of goods in the category delivered during the quarter.

This amendment shall become effective as of July 1, 1945.

Issued this 10th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-12513; Filed, July 10, 1945; 4:27 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 268,[1] Amdt. 13]

SALES OF CERTAIN PERISHABLE FOOD COMMODITIES AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 268 is amended in the following respects:

1. In Appendix A, a footnote reference 3 is added after the item "Snap beans" under Food Commodity No. 12 (e).

2. In Appendix A, a new footnote 3 is added to read as follows:

[3] The mark-ups for snap beans are suspended from July 1, 1945, to October 4, 1945, and shall be automatically reinstated on October 4, 1945.

This amendment shall become effective as of July 1, 1945.

Issued this 10th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: July 9, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-12515; Filed, July 10, 1945; 4:27 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 422,[1] Amdt. 49]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 422 is amended in the following respects:

1. In section 39 (a) a footnote reference 1 is added after the item "Beans, green and wax" in list (3) of Table B–II.

2. In section 39 (a), a new footnote 1 is added to Table B–II to read as follows:

[1] The mark-ups for green and wax beans are suspended from July 1, 1945, to October 4, 1945, and shall be automatically reinstated on October 4, 1945.

This amendment shall become effective as of July 1, 1945.

Issued this 10th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: July 9, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-12516; Filed, July 10, 1945; 4:27 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423,[2] Amdt. 47]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN INDEPENDENT STORES DOING AN ANNUAL BUSINESS OF LESS THAN $250,000 (GROUP 1 AND GROUP 2 STORES)

A statement of the considerations involved in the issuance of this amend-

[1] 8 F.R. 6129, 7116, 7661, 7592, 8682, 9365, 9299, 9460, 10568; 9 F.R. 14600, 14676; 10 F.R. 3554.

[1] 10 F.R. 1505, 2024, 2297, 3814.

[2] 10 F.R. 1523, 2025, 2298, 3814.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 423 is amended in the following respects:

1. In section 28 (a), a footnote reference 1 is added after the item "Beans, green and wax" in list (3) of Table B–II.

2. In section 28 (a), a new footnote 1 is added to Table B–II to read as follows:

[1] The mark-ups for green and wax beans are suspended from July 1, 1945 to October 4, 1945, and shall be automatically reinstated on October 4, 1945.

This amendment shall become effective July 1, 1945.

Issued this 10th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: July 9, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45–12517; Filed, July 10, 1945; 4:28 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426, Amdt. 125]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

In Appendix H, Table 4, Maximum Prices for Snap Beans, footnote 5 is amended to read as follows:

[5] During the period beginning July 1 and ending September 30, 1945, this regulation shall not apply to snap beans.

This amendment shall become effective as of July 1, 1945.

Issued this 10th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: July 9, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45–12518; Filed, July 10, 1945; 4:28 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 588,[1] Amdt. 1]

CEILING PRICES FOR SALES OF CERTAIN FOOD ITEMS BY GREAT LAKES MARINE SUPPLIERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 588 is amended in the following respects:

1. In section 14 (a) a footnote reference 1 is added after the item "Beans, green and wax" in list 7 of Table A.

[1] 10 F.R. 6235.

2. In section 14 (a), a new footnote 1 is added to Table A to read as follows:

[1] The mark-up for green and wax beans is suspended from July 1, 1945, to October 4, 1945, and shall be automatically reinstated on October 4, 1945.

This amendment shall become effective as of July 1, 1945.

Issued this 10th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: July 9, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45–12519; Filed, July 10, 1945; 4:28 p. m.]

PART 1499—COMMODITIES AND SERVICES

[RMPR 165, Amdt. 2 to Supp. Service Reg. 49]

AUTOMOTIVE REPAIR SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

The effective date of SSR 49 is amended to read September 1, 1945.

This amendment shall become effective July 10, 1945.

Issued this 10th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45–12514; Filed, July 10, 1945; 4:27 p. m.]

PART 1305—ADMINISTRATION

[Rev. Supp. Order 99,[1] Amdt. 1]

ADJUSTMENT OF MAXIMUM PRICES FOR SPECIFIED KNITTED UNDERWEAR GARMENTS MANUFACTURED PURSUANT TO DIRECTION OF WAR PRODUCTION BOARD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Supplementary Order 99 is amended in the following respects:

1. Paragraph (c) of § 1305.127 is hereby amended to read as follows:

(c) *Filing of applications.* Applications must be filed by registered mail with the Consumer Goods Price Division, Office of Price Administration, Washington 25, D. C., and in accordance with Article III of Revised Procedural Regulation No. 1, and must contain, unless the information is already on file with the Office of Price Administration, Washington, D. C.:

(1) Balance sheets and profit and loss statements for the years (fiscal or calendar) 1936 to 1939, inclusive, the most recent calendar or fiscal year and the most recent quarter—or half-year period.

[1] 10 F.R. 6796.

(2) A statement in detail, on OPA Form 665–2467,[2] of the applicant's total current unit cost for the garment for which an adjustment is being sought, applicant's present ceiling price for the garment, the amount of the adjustment requested by applicant and his proposed maximum price for the garment, in accordance with the standards set forth in paragraph (b) above.

2. Paragraph (e) of § 1305.127 is hereby amended to read as follows:

(e) *Granting of application by automatic approval.* (1) In the case of any application properly filed by a manufacturer as required by paragraph (c) above, the adjustment requested by the manufacturer in his application shall be deemed to be granted on and after the twentieth day following the date of the mailing of the application (or on and after the twentieth day following the date of mailing of all additional information which may have been requested by the OPA) unless within that time the OPA issues an order disapproving the requested adjustment or granting an adjustment under paragraph (d) of this order.

(2) A manufacturer whose application for adjustment is deemed to be granted under subparagraph (1) of this paragraph may thereafter (but only with respect to garments produced as required by the War Production Board, pursuant to General Direction 14 to Conservation Order M–328) make deliveries at the adjusted ceiling prices requested in this application provided that he transmits to each purchaser the statement set forth in paragraph (1) or (2) of Appendix A, whichever is appropriate. This statement, properly completed, shall be transmitted with, or annexed to the invoice, billing or other statement of price accompanying every shipment of garments for which adjustment charges are made under this order. If these garments have also had an adjustment in ceiling price under § 1389.304 (as amended) of Maximum Price Regulation 221 the statement required by this section may be sent in lieu of the statement required by Maximum Price Regulation 221.

3. Appendix A is added to read as follows:

APPENDIX A—STATEMENT OF OPA ADJUSTMENT CHARGE TO BE SENT BY MANUFACTURERS UNDER PARAGRAPH (E) (2)

(1) *On sales to wholesalers.* Where the garment, for which an adjustment in ceiling price is made under this order, is delivered to a wholesaler, the following statement must be sent to the wholesaler by the manufacturer:

STATEMENT TO WHOLESALERS OF OPA ADJUSTMENT CHARGE

The Office of Price Administration has permitted us to add the following adjustment charges to our ceiling prices on the garments listed below. In Column A below you will find our old ceiling price. In Column B you will find the OPA adjustment charge made under Amendment 6 to Maximum Price Regulation 221. In Column C you will find

[2] Copies may be obtained from the Office of Price Administration, Consumer Goods Price Division, Washington 25, D. C.

the OPA adjustment charge made under Revised Supplementary Order 99.

Style	Column A Old ceiling price	Column B OPA adjustment charge—under MPR 221	Column C OPA adjustment charge—under RSO 99

Please note that the OPA requires you to sell these garments subject to the ceiling prices established in MPR 210. In determining your ceiling prices for these garments OPA has ruled that you may not in any case include the above-stated adjustment charges in the cost base upon which your ceiling price is computed. However, the OPA has ruled that after you have properly computed your ceiling prices for any of the styles set forth above in accordance with MPR 210, you may add to that ceiling price an amount equal to 75% of the sum of the adjustment charges for that style set forth in Columns B and C above, *Provided*, That you send to your retailer customers the Wholesalers' Statement of OPA Adjustment Charge set forth below, properly completed and appearing separately on, or annexed to your invoice, billing or other statement of price accompanying every shipment of any of the garments listed above:

WHOLESALER'S STATEMENT TO RETAILERS OF OPA ADJUSTMENT CHARGE

The Office of Price Administration has permitted us to add the following adjustment charges to our ceiling prices on the following items:

Style	Old ceiling	OPA adjustment charge

Please note that the OPA requires you to sell these garments subject to the ceiling prices established by you under Maximum Price Regulation 580 or Maximum Price Regulation 210 (whichever regulation governs your sales of the garments listed above). The OPA has not permitted you to increase your ceiling prices for these garments. In determining your ceiling prices for these garments OPA has ruled that you may not in any case include the above-stated adjustment charges in your "net cost" under MPR 580 or in the cost base on which your ceiling price is computed under MPR 210.

(2) *On sales to retailers.* Where the garment for which an adjustment in ceiling price is made under this order is delivered to a retailer, the following statement must be sent to the retailer by the manufacturer:

STATEMENT TO RETAILERS OF OPA ADJUSTMENT CHARGE

The Office of Price Administration has permitted us to add the following adjustment charges to our ceiling prices on the garments listed below:

Style	Old ceiling price	OPA adjustment charge—under MPR 221	OPA adjustment charge—under RSO 99

Please note that the OPA requires you to sell these garments subject to the ceiling prices established in Maximum Price Regulation 580 or Maximum Price Regulation 210 (whichever regulation governs your sales of the garments listed in this notice). The OPA has not permitted you to increase your ceiling prices for these garments. In determining your ceiling prices for these garments OPA has ruled that you must not in any case include any of the above-stated adjustment charges in your "net cost" under MPR 580 or the cost base on which your ceiling price is computed under MPR 210.

This amendment shall become effective July 18, 1945.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 11th day of July 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-12591; Filed, July 11, 1945; 11:35 a. m.]

PART 1364—FRESH, FROZEN AND CURED MEAT AND FISH PRODUCTS

[RMPR 156,[1] Amdt. 6]

CANNED MEAT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 156 is amended in the following respects:

1. Paragraph (a) of section 12 is amended by changing the words preceding the schedule of prices contained therein to read as follows:

(a) *Table of base prices.* All prices are on a dollar per hundredweight net weight basis and, except on sales of canned whole hams to war procurement agencies for overseas shipment, include all packaging or boxing costs.

2. Paragraph (c) of section 12 is added to read as follows:

(c) *Boxing additions only on sales of canned whole hams to war procurement agencies for overseas shipment.* All additions are for packing in nailed solid wood boxes and are on a dollar per hundredweight net weight basis.

Size of box:	*Addition per cwt.*
40 pounds or less	$1.20
More than 40 lbs., less than 70 lbs.	0.95
70 lbs., or more	0.70

This amendment shall become effective July 16, 1945.

Issued this 11th day of July 1945.

CHESTER BOWLES,
Administrator.

Approved: July 6, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-12593; Filed, July 11, 1945; 11:36 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 579, Amdt. 7]

CERTAIN SPECIES OF FRESH AND FROZEN FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 579 is amended in the following respects:

1. In section 10.1 (a), Table IA, Schedule No. 17 is amended to read as follows:

Sched. No.	Species	Item No.	Style of dressing	Size	Season	A	B	C	D	E	F	G
17	Sole, lemon [1]	1	Round	All	Apr.-Sept.	10	11¾	12¾	15	13	14½	15¾
		2	Fillets [2]	All	Apr.-Sept.		43¾	45¼	49¼	46¾	48¾	51¾
		3	Dressed	All	Apr.-Sept.		15½	17	19¼	17	18¾	20¼
		1	Round	All	Oct.-Mar.	16	18	19¼	21¾	19½	21¾	22¾
		2	Fillets [2]	All	Oct.-Mar.		63	64½	69½	67	69	73
		3	Dressed	All	Oct.-Mar.		24	25½	28¼	26	27¾	29¾

2. In section 10.1 (b), Table IB, Schedules Nos. 13 and 17 are amended to read as follows:

Sched. No.	Species	Item No.	Style of dressing	Size	I	II	III	IV	V
13	Rosefish:								
	(Apr.-Sept.) [1]	1	Fillets	All	22½	24	24½	26¾	28¾
	(Oct.-Mar.) [1]	2	Fillets	All	23¾	25¼	25¾	27½	30
	All year	3	Round	All	6¾	7½	7¾	8¾	10¼
17	Sole, lemon	1	Round	All	11½	12½	12½	13¾	15¼
		2	Fillets [4]	All	38¾	40¼	41¼	43¼	46¼
		3	Dressed	All	17½	18¾	19	20¾	22¾

This amendment shall become effective July 16, 1945.

Issued this 11th day of July 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-12596; Filed, July 11, 1945; 11:37 a. m.]

PART 1372—SEASONAL COMMODITIES

[MPR 210,[1] Amdt. 18]

RETAIL AND WHOLESALE PRICES FOR FALL AND WINTER KNITTED UNDERWEAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 210 is amended in the following respect:

Section 1372.113 is amended by adding thereto a new paragraph, designated paragraph (d) to read as follows:

(d) *Adjustment of maximum prices for sellers at wholesale of certain articles of fall and winter knitted underwear.* In the case of any seller at wholesale who has purchased from the manufacturer thereof any article of knitted fall and winter underwear or any sleeping garment listed in paragraph (i) of § 1372.112 the maximum price for such article, determined in accordance with §§ 1372.102 or 1372.103 above, may be adjusted by adding thereto an amount equal to 75% of any OPA adjustment charge made by the manufacturer pursuant to § 1389.304 (as amended) of Maximum Price Regulation 221 (Manufacturers' Prices for Fall and Winter Knitted Underwear) or Revised Supplementary Order 99. A seller at wholesale may make this adjustment of his maximum price only if he sends to each customer to whom he makes delivery of any of the specified garments, a copy of the statement set forth below. This statement, properly completed with the information applicable to the garments included in the particular shipment, must appear separately on, or be annexed to, the wholesaler's invoice, billing or other statement of price accompanying every shipment of any garments on which the adjusted charge is made.

WHOLESALER'S STATEMENT TO RETAILERS OF OPA ADJUSTMENT CHARGE

The Office of Price Administration has permitted us to add the following adjustment charges to our ceiling prices on the following items:

Style	Old ceiling	OPA adjustment charge

Please note that the OPA requires you to sell these garments subject to the ceiling prices established by you under Maximum Price Regulation 580 or Maximum Price Regulation 210 (whichever regulation governs your sales of the garments listed above). The OPA has not permitted you to increase your ceiling prices for these garments. In determining your ceiling prices for these garments OPA has ruled that you may not in any case include the above-stated adjustment charges in your "net cost" under RMPR 580 or in the cost base on which your ceiling price is computed under MPR 210.

This amendment shall become effective July 18, 1945.

[1] 7 F.R. 6789, 7318, 7173, 7912, 8651, 8930, 8937, 8948, 9614, 10109; 8 F.R. 973, 6359, 16170; 9 F.R. 11177, 11758, 14126; 10 F.R. 1608.

Issued this 11th day of July 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-12594; Filed, July 11, 1945; 11:36 a. m.]

PART 1389—APPAREL

[MPR 221,[1] Amdt. 7]

MANUFACTURERS' PRICES FOR FALL AND WINTER KNITTED UNDERWEAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 221 is amended in the following respects:

1. Section 1389.304 (b) is amended to read as follows:

(b) *Adjustment charge must be separately stated by manufacturer.* The adjustment charge mentioned in paragraph (a) above, may be made only if the manufacturer sends to each purchaser to whom he makes shipment of any garments on which an adjustment charge is made the statement set forth in subparagraph (1) or (2) below, whichever is appropriate. This statement, properly completed, must appear separately on, or be annexed to, the manufacturer's invoice, billing or other statement of price accompanying every shipment of any garments on which the adjustment charge is made.

(1) *On sales to retailers.* The following statement must be sent by the manufacturer when the garments on which the adjustment charge is made are sold to retailers:

STATEMENT TO RETAILERS OF OPA ADJUSTMENT CHARGE

The Office of Price Administration has permitted us to add the following adjustment charges to our ceiling prices on the following items:

Style	Old ceiling	OPA adjustment charge

Please note that the OPA requires you to sell these garments subject to the ceiling prices established in Maximum Price Regulation 580 or Maximum Price Regulation 210 (whichever regulation governs your sales of the garments listed in this notice). The OPA has not permitted you to increase your ceiling prices for these garments. In determining your ceiling prices for these garments OPA has ruled that you must not in any case include the above stated adjustment charges in your "net cost" under Maximum Price Regulation 580 or in the cost base on which your ceiling price is computed under Maximum Price Regulation 210.

(2) *On sales to wholesalers.* The following statement must be sent by the manufacturer when the garments on which the adjustment charge is made are sold to wholesalers:

[1] 7 F.R. 7318, 9615, 10719; 8 F.R. 13847, 4514; 9 F.R. 5174, 11758.

STATEMENT TO WHOLESALERS OF OPA ADJUSTMENT CHARGE

The Office of Price Administration has permitted us to add the following adjustment charges to our ceiling prices on the following items:

Style	Old ceiling	OPA adjustment charge

Please note that the OPA requires you to sell these garments subject to the ceiling prices established in Maximum Price Regulation 210. In determining your ceiling prices for these garments OPA has ruled that you must not in any case include the above-stated adjustment charges in the cost base on which your ceiling price is computed. The OPA has ruled, however, that after you have properly computed your ceiling price for any of the styles set forth above in accordance with Maximum Price Regulation 210, you may add to that ceiling price an amount equal to 75% of the adjustment charge for that style set forth above, *Provided*, That you send to your retailer customers the "Wholesaler's Statement of OPA Adjustment Charge" set forth below, properly completed, and appearing separately on, or annexed to, your invoice, billing or other statement of price, accompanying every shipment of any of the garments listed above.

WHOLESALER'S STATEMENT TO RETAILERS OF OPA ADJUSTMENT CHARGE

The Office of Price Administration has permitted us to add the following charges to our ceiling prices on the following items:

Style	Old ceiling	OPA adjustment charge

Please note that the OPA requires you to sell these garments subject to the ceiling prices established by you under Maximum Price Regulation 580 or Maximum Price Regulation 210 (whichever regulation governs your sales of the garments listed above). The OPA has not permitted you to increase your ceiling prices for these garments. In determining your ceiling prices for these garments OPA has ruled that you may not in any case include the above-stated adjustment charges in your "net cost" under MPR 580 or in the cost base on which your ceiling price is computed under MPR 210.

(3) If the garments on which an adjustment charge is being made under this section have also had an adjustment in price pursuant to § 1305.127 of Revised Supplementary Order 99 the Statement of OPA Adjustment Charge required by that section may be sent in lieu of the statements required in subparagraphs (1) and (2) above.

This amendment shall become effective July 18, 1945.

Issued this 11th day of July 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-12595; Filed, July 11, 1945; 11:37 a. m.]

PART 1393—ICE

[MPR 154, as Amended,[1] Amdt. 11]

ICE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

In § 1393.12 (f), subparagraph (1) is amended to read as follows:

(1) *Generally.* (i) Maximum prices for sales of natural ice (other than excepted harvesters' car-icing sales) shall be determined by the seller under the applicable provisions of paragraphs (a), (b) or (f) (2) of this § 1393.12.

(ii) Natural ice sold by its harvesters to railroads, railway express companies and other qualified purchasers in "car-icing" sales as defined under "Definitions" in Appendix B hereof, and delivered prior to October 1, 1945, is excepted from the pricing provisions of this regulation. This exception does not apply to sales of natural ice by persons other than harvesters, nor to harvesters' sales other than "car-icing" sales.

This amendment shall become effective July 16, 1945.

Issued this 11th day of July 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-12592; Filed, July 11, 1945; 11:36 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. RO 3,[2] Amdt. 29]

SUGAR

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Second Revised Ration Order 3 is amended in the following respects:

1. Section 19.10 (d) is amended to read as follows:

(d) *Restriction on use.* An industrial user who obtains a provisional allowance under this order may use the sugar during a packing season only to pack the fruit for which it was granted and only in the quantities allowed. Moreover, he may not use sugar for any packing season beginning after June 15, or for any part of a packing season beginning after that date at an average rate higher than is provided in computing the allowance in paragraph (c) of this section. In addition, for any packing season for that fruit which began before but was not ended by June 15, 1945, his average use of sugar per case in the canning or bottling of that fruit must not, in any event, exceed 90% of the average amount he used per case in 1941. Moreover, after June 15, the maximum Brix Cut out in which the following fruits may be packed is as follows:

	Degrees
Plums	29.9
Figs	29.9
Raspberries and all other berries excluding cranberries)	27.9
Prunes	25.9
Cherries (sweet)	24.9
Blackberries	23.9
Peaches (Elberta)	23.9
Apricots	20.9
Peaches (all other)	18.9
Fruit Cocktails	17.9
Pears	17.9

Sugar granted under this section may not be used to produce "home processed foods" as defined in section 26.1 of Revised Ration Order 13.

2. Section 19.10 (e) is amended by changing the last sentence to read as follows: "In addition, he must keep records of all the Brix Cut tests as customarily made, but for each lot of each grade packed with sugar these tests shall not be less than one can per thousand cases on can sizes No. 2½ or smaller, and one can per six hundred cases on can sizes larger than No. 2½."

This amendment shall become effective July 11, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 11th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-12588; Filed, July 11, 1945; 11:35 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 54]

MEAT, FATS, FISH AND CHEESES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 13.1 is amended to read as follows:

SEC. 13.1 *New retail and wholesale establishments may be opened*— (a) *How stocks are obtained.* A person who plans to open a "retail establishment" or a "wholesale establishment", after July 14, 1945, may apply for ration evidences to get stocks of "foods covered by this order". The application must be made on OPA Form R-315 to the "Board" for the place where the establishment will be located. The application must state:

(1) The proposed name and address of the establishment;

(2) The amount he has invested or expected to invest in it;

(3) Whether the establishment is a retail or a wholesale establishment;

(4) The number of points he needs in order to get adequate stocks;

(5) The point value of any stocks of foods covered by this order which he may have for that establishment;

(b) *Issuance of ration evidences.* The Board will issue to him ration evidences for the number of points he needs to get an adequate working inventory.

(c) *Registration.* (1) A wholesaler or retailer who, after July 14, 1945, began dealing at his establishment in foods covered by this order having a point value other than zero, must, at the end of the first thirty days after he began dealing in those foods, register that establishment on OPA Form R-1601 (Revised) or OPA Form R-1602 (Revised), whichever is applicable, by filing one copy of that form in person or by mail. He must give all the information called for by that form. A retailer's allowable inventory is computed by multiplying the total point value of his sales and transfers during the first 30 days by 0.7. A wholesaler's allowable inventory is computed by multiplying the total point value of his sales and transfers during the first 30 days, separately for each class of foods, by the factor fixed for that class in § 1407.-3027 (f) of the supplement. The total of the results is his allowable inventory.

(2) A person who opens a retail or wholesale establishment need not register that establishment while all the foods covered by this order, in which he deals at that establishment, have a zero point value. However, a wholesale establishment at which canned fish is acquired for sale or transfer must be registered under this section as soon as canned fish is acquired there for sale or transfer, even if it is at zero point value.

(3) A person who becomes a wholesaler or retailer within the meaning of this order because an item has been added to the foods covered by this order is not required to register.

(d) *Registration of two or more establishments.* If a retailer or wholesaler has two or more establishments and has operated them separately under this order, just as if they were owned by different persons, he must either register each establishment separately or all of them together on a single form. (Such separately registered establishments are treated for all the purposes of this order just as if they were owned by different persons.) If a retailer or wholesaler, who has two or more establishments, registers them together, he must file with the Board for the place where his principal business office is located, a single copy of OPA Form R-1601 (Revised) or OPA Form R-1602 (Revised), giving all the information called for by the form for all establishments without listing such information, separately, for each establishment.

(e) *Reports of inventories.* (1) As part of his registration, a retailer must report on OPA Form R-1601 (Revised) the point value of his inventory of foods covered by this order at the end of the first 30 days. (An explanation of what constitutes a retailer's inventory is contained in section 6.4 (b)).

(2) As part of his registration, a wholesaler must report on OPA Form R-1602 (Revised) the point value of his inventory of food covered by this order at the end of the first 30 days. (An explanation of what constitutes a wholesaler's inventory is contained in section 5.4 (b)).

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[1] 10 F.R. 7048.

[2] 9 F.R. 13992, 14642, 15048; 10 F.R. 201, 412, 1143, 1537, 2144, 2581, 2875, 2874, 3223, 4105, 4715.

[1] 10 F.R. 2521, 2876, 3223, 3556.

(f) *Reports of sales and transfers and points on hand.* As part of his registration, a retailer or wholesaler must include the point value of all foods covered by this order which were transferred by him during the first 30 days and the total number of points which he has at the end of that period.

(g) *Issuance of ration evidences and excess inventory.* If a retailer's or wholesaler's point inventory at the end of the first 30 days is less than his allowable inventory, the Board shall issue to him ration evidences for the difference. He may not, however, be given ration evidences for more than the amount by which his allowable inventory exceeds the amount of the ration evidences given when he applied on OPA Form R–315. If his point inventory is greater than his allowable inventory, the difference is excess inventory. He must, when he registers give up to the Office of Price Administration, for cancellation, points equal to the amount of his excess inventory. (The way in which this is done is explained in section 6.6 (e) and 5.6 (e), respectively.)

(h) *Procedure where no additional stocks are needed.* Where the person who wishes to open the retail or wholesale establishment has enough stocks, he need not apply on OPA Form R–315. He may begin operation with the stocks he has. However, before making any sales or transfers of food covered by this order from the establishment after July 14, 1945 he must notify the Board for the place where the establishment is located. The notice must be in writing and must give the name and adress of the establishment and the point value of its inventory. At the end of the first thirty days, he must register the establishment and follow the procedure described in paragraph (c) above.

This amendment shall become effective July 15, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 11th day of July 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–12590; Filed, July 11, 1945; 11:35 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 48 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (f) is amended to read as follows:

(f) The wholesale allowable inventory factors and the classes of foods (referred to in section 13.1 (c) of Revised Ration Order 16) are as follows:

Class of foods:	*Factors*
(1) Lard, shortening, cooking and salad oil, canned meats and canned fish, canned milk	1.0
(2) Fresh and frozen beef, fresh and frozen veal, fresh and frozen pork and fresh and frozen lamb and mutton	0.4
(3) Rationed cheeses, butter, margarine and meats other than fresh, frozen or canned	0.7

This amendment shall become effective July 15, 1945.

Issued this 11th day of July 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–12589; Filed, July 11, 1945; 11:35 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 60 Under 3 (b), Amdt. 1[1]]

WEYERHAEUSER SALES CO.

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. 60 under the General Maximum Price Regulation is amended to read as follows:

§ 1499.274 *Approval of maximum prices for Weyerhaeuser Sales Company of treated wood fence posts.* (a) The maximum price, f. o. b. mill, at which Weyerhaeuser Sales Company, of St. Paul, Minnesota, may sell treated wood fence posts constructed according to specifications set forth below shall be as follows:

(b) Length:

	Price per post
5′4″	$0.28
5′6″	.28875
6′0″	.315
6′6″	.34125
6′8″	.35
7′0″	.3675
7′6″	.39375
8′0″	.42
9′0″	.4725

Customary discounts for cash to be maintained.

(c) *Grade description.* Posts to be manufactured from Douglas Fir lumber of Select Merchantable grade; tapering from Nominal thickness and width of 3″ x 4″ at top to nominal thickness and width of 2″ x 3″ at bottom; headed at top and pointed at bottom, incised at grade line and given toxic and water repellent treatment.

(d) Sales by retail yards are governed by Section 3 (d) of Maximum Price Regulation 536.

(e) This order may be revoked or amended at any time.

This amendment shall become effective July 12, 1945.

Issued this 11th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45–12598; Filed, July 11, 1945; 11:38 a. m.]

Chapter XIV—War Contracts Price Adjustment Board

RENEGOTIATION REGULATIONS

The changes and additions to Parts 1602, 1603, 1604, 1606, 1607 and 1608 set forth below are also contained in Revision 19 of the Renegotiation Regulations dated June 22, 1945.

MAURICE HIRSCH,
Colonel, General Staff Corps,
Chairman.

PART 1602—PROCEDURE FOR RENEGOTIATION

SUBPART A—ASSIGNMENTS FOR RENEGOTIATION AND CANCELLATIONS

1. Section 1602.206–2 is amended to read as follows:

§ 1602.206–2 *Form for submission of request.* The Department or Service submitting to the War Contracts Board a request for cancellation will accompany such request with a statement in substantially the following form:

The information submitted herewith has been obtained from the subject contractor. It has been considered and it is believed by this office to be substantially representative of the operations of the contractor for the fiscal period referred to. This office is of the opinion that[1] (excessive profits within the sense of the Renegotiation Act and the principles applicable thereto have not been realized by the contractor during the said period)[1] (receipts or accruals by the contractor, and by all persons under the control of or controlling or under common control with the contractor, under contracts with the Department (as defined in the Renegotiation Act) and subcontracts thereunder, did not exceed the statutory minimum).[1] (Other Reason:) Cancellation of the assignment of the contractor for renegotiation is recommended and requested.

The Contractor's fiscal year ended ---------.

[RR 206.2]

2. The introductory text of § 1602.206–3 is amended to read as follows:

§ 1602.206–3 *When not subject to act; evidence required.* When cancellation of assignment is sought on the ground that the receipts or accruals of the contractor for the fiscal year did not exceed the statutory minimum prescribed by subsection (c) (6) of the 1943 Act, the Department or Service requesting the cancellation may:

PART 1603—DETERMINATION OF RENEGOTIABLE BUSINESS AND COSTS

SUBPART H—COSTS ALLOCABLE AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

1. Section 1603.382–3 is amended to read as follows:

§ 1603.382–3 *Wage and salary stabilization requirements.* (a) As used herein, the term "Stabilization Act" refers to the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Public Law 729, 77th Congress, 2d Session), as amended by the Public Debt Act of 1943, entitled "An Act to increase the debt limit of the United States, and for other purposes"

[1] Insert applicable clause.

[1] 9 F.R. 6772, 6825, 7262, 7438, 8147, 8931, 9266, 9278, 9785, 9896, 10425, 10876, 10777, 11426, 11513, 11906, 11955, 11961, 12814, 12867, 14287, 14645, 15056; 10 F.R. 48, 531, 857, 293, 294.

[1] 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

(Public Law 34, 78th Congress, 1st Session) and by the Stabilization Extension Act of 1944 (Public Law 383, 78th Congress, 2d Session).

(b) The National War Labor Board, the Commissioner of Internal Revenue (who has delegated his authority to the Salary Stabilization Unit) and the War Food Administrator have authority under the Stabilization Act, Executive Orders 9250 and 9328 and the regulations of the Economic Stabilization Director, to make determinations that wage and salary payments are in contravention of the Stabilization Act and regulations thereunder. They have the authority to require that the full amount (or, in their discretion, less than the full amount) of such payments shall be disregarded by all the Executive departments and other agencies of the Government (or, in their discretion, by specified departments or agencies) in determining costs or expenses under any contract or in calculating deductions under the Internal Revenue Laws. Such determinations of contravention, of the amounts to be disregarded and by what departments or agencies to be disregarded, are made by the issuance of certificates by the National War Labor Board, the Commissioner of Internal Revenue, or the War Food Administrator. The applicable regulation of the Office of Economic Stabilization (§ 4001.15) appears at § 1608.851.

(c) Certificates of contravention which expressly require renegotiating agencies to disregard specified wage or salary payments as costs will be conclusive upon renegotiating agencies except as stated in paragraph (e).

(d) Certificates of contravention requiring the Bureau of Internal Revenue to disregard any wage or salary payments in calculating deductions under the Revenue Laws of the United States shall not have the effect of requiring such payments to be disregarded for the purposes of determining costs and expenses in statutory renegotiation unless such certificates expressly so provide.

(e) The completion of renegotiation proceedings need not be deferred or suspended pending the disposition of any proceedings against the contractor for the determination of an alleged contravention under the Stabilization Act. Renegotiation proceedings concluded prior to the receipt of certificates of contravention will not be reopened on account thereof in the absence of fraud, malfeasance or wilful misrepresentation.

(f) Arrangements have been established by the War Contracts Price Adjustment Board by which certificates of contravention affecting renegotiation proceedings will be forwarded promptly through the medium of the Assignments and Statistics Branch to the agency conducting the renegotiation proceedings of the employer involved.

(g) Full compliance with the Stabilization Act does not preclude the disallowance as a deduction under the Internal Revenue Code of wage and salary payments in excess of "a reasonable allowance". Except as provided in § 1603.381–6, no part of any amount estimated to be not allowable under the Internal Revenue Code will be allowed as a cost against renegotiable business. [RR 382.3]

2. Section 1603.382–4 is revoked, as follows:

§ 1603.382–4 *Application of stabilization orders in renegotiation.* [Revoked]

PART 1604—DETERMINATION AND ELIMINATION OF EXCESSIVE PROFITS

SUBPART A—PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

1. Section 1604.403–7 is added, as follows:

§ 1604.403–7 *Customer furnished materials.* A contractor who does not purchase the materials used by him in performing a contract or subcontract but uses customer furnished materials is not entitled generally to as large a profit in dollars as that to which he would have been entitled had he furnished the materials used, in which event he would have expended effort in finding or acquiring the materials, would have had capital invested in the materials and would have assumed the risks of obsolescence, spoilage or other loss inherent in owning such materials. These circumstances must be recognized in the application of the statutory factors (see § 1604.410). Although the aggregate dollar profit allowed the contractor in such a case should not be as great as it would have been had he furnished his own materials, nevertheless, the dollar profit allowed will usually result in a larger percentage of his sales than the dollar profit which would have been allowed if the materials had been acquired by him, and, therefore, included in his sales and costs. [RR 403.7]

2. In § 1604.413–2, paragraph (b) is amended, paragraph (f) is redesignated (g), and a new paragraph (f) is added, as follows:

§ 1604.413–2 *Comment.* * * *

(b) Particular consideration should be given to the risks assumed incident to reasonable pricing policies. The pricing policy of the contractor is more clearly indicated by the reasonableness of his billing prices and the reasonableness of the profit margin included in billing prices than by his final profit position. The contractor whose pricing policy results in comparatively reasonable original profit margins on renegotiable business from original billing prices should receive more favorable consideration than a contractor whose pricing policy results in substantially excessive profits. The contractor who maintains low cost and only a reasonable margin of profit is subjected to the risks normally incident to the performance of a fixed-price contract secured under competitive conditions, while the contractor who overprices usually has taken few, if any, of such risks. In the latter case, the profit margin of the contractor should be adjusted in the direction of the fee that might have been allowed under a cost-plus-a-fixed-fee contract for the production of similar articles. Since many contractors have now had sufficient experience in production of contracted materials to eliminate or reduce the risks that may have justified liberal prices earlier, renegotiation agencies are to emphasize pricing policy by giving less favorable consideration to contractors who have not followed a reasonably close pricing policy. (See paragraph (e) of this section.)

* * * * *

(f) Consideration of the pricing policy of the contractor frequently involves the question of refunds made prior to renegotiation. As stated in §§ 1604.450 to 1604.452, inclusive, such refunds may be made as integral parts of the repricing policy of the contractor or as prepayments of excessive profits. In either event, the effect upon the risk assumed by the particular contractor depends entirely upon the facts of each particular case, excluding the manner in which the refund is made. For example, a contractor who executes a legally binding agreement to pay the Government a rebate on articles delivered during a particular period of time has incurred a greater risk than the contractor who gives the Government a non-binding "statement of intention" or "statement of policy" indicating that he will make refunds, even though the final profit position of the two contractors at the end of the fiscal year is the same. On the other hand, a contractor who makes a refund pursuant to such a statement of intention or statement of policy may have incurred a greater risk than one who simply makes a refund. Likewise, a contractor who makes a refund near the beginning of his current fiscal year has incurred a greater risk than one who simply makes a refund near the end of his fiscal year. The renegotiating agency must therefore weigh the refund in the light of all pertinent facts.

SUBPART E—INTERIM PREPAYMENT OF EXCESSIVE PROFITS

Subpart E is added, as follows:

Sec.

§ 1604.450 *Scope of subpart.* Excessive profits are determined under the Renegotiation Act only pursuant to a renegotiation proceeding commenced and conducted in the manner prescribed by the act. Profits refunded prior to renegotiation will be deemed to be "excessive profits determined" within the meaning of the Renegotiation Act only if such refund is made in the manner prescribed in § 1604.452 as an interim prepayment of excessive profits to be determined by the War Contracts Board in a subsequent renegotiation and only to the extent that the amount of such prepayment is determined in such renegotiation to constitute excessive profits within the meaning of the Renegotiation Act. It is the purpose of this subpart to

discuss: (a) The circumstances under which renegotiating agencies will accept such interim prepayment; and (b) the method by which prepayments may be made. Reference is made to § 1604.413–2 for a discussion of the effect of refunds made prior to renegotiation upon the statutory factor of "risk". [RR 450]

§ 1604.451 *Acceptance of prepayments by renegotiating agencies.* [RR 451]

§ 1604.451–1 *Repricing of specific contracts.* In any case in which a specific contract is amended to reduce the price charged to the Government, any refund paid as a result of such amendment will not be treated as a payment or prepayment of excessive profits. Such refund will not be accepted by any renegotiating agency acting as such. [RR 451–1]

§ 1604.451–2 *Over-all or company pricing.* In some cases, repricing is accomplished by so-called "company pricing" arrangements made between the procurement agencies and contractors. Under this procedure, a contractor may make reductions of price on all articles sold to the Government, or a subcontractor may reduce prices on all articles sold to a prime contractor or to a higher-tier subcontractor. The following situations, among others, may arise:

(a) If such pricing takes the form of price reductions or discounts on future deliveries only, the contractor or subcontractor makes no refund to the Government and there is no problem of prepayment of excessive profits.

(b) If the contractor enters into a legally binding pricing agreement, any refund to the Government made pursuant to such agreement is considered to be the equivalent of a price reduction and will not be treated as a prepayment of excessive profits.

(c) If the contractor executes a non-binding "statement of policy" or "statement of intention" to make refunds to the Government, a refund made by the contractor pursuant to such a statement will, subject to the conditions set forth in the following paragraphs, be accepted by a renegotiating agency as a prepayment of excessive profits. [RR 451.2]

§ 1604.451–3 *Voluntary refunds.* A contractor or subcontractor may wish to refund a portion of his profits to the Government prior to renegotiation without making any prior binding agreement or prior non-binding statement of policy such as is described in the preceding paragraph. Such a refund will, subject to the conditions hereinafter set forth, be accepted by a renegotiating agency, as a prepayment of excessive profits. [RR 451.3]

§ 1604.452 *Procedure for acceptance of prepayments of excessive profits.* Any renegotiating agency is authorized to accept a refund made under the circumstances set forth in §§ 1604.451–2 (c) and 1604.451–3, subject to the following conditions:

(a) Each prepayment must be made pursuant to a letter agreement in the form set forth in § 1607.743.

(b) Payment of the refund must be made in accordance with the regulations prescribed for the payment of refunds received as a result of statutory renegotiation. (See § 1605.502–5.)

(c) If the contractor who makes a prepayment is thereafter renegotiated for the particular fiscal year and excessive profits are determined, the prepayment will be included in the renegotiable receipts or accruals, excessive profits, if any, will be determined upon such basis, and the prepayment will be applied in elimination of the excessive profits so determined.

(d) If the contractor, for any reason, is not renegotiated for the particular fiscal year, the prepayment will not be refunded to the contractor, but it will not be deemed to be "excessive profits determined" within the meaning of the Renegotiation Act.

(e) If the contractor is renegotiated for the particular fiscal year but if the amount of excessive profits determined is less than the prepayment, the prepayment will be applied in elimination of the excessive profits determined, but the excess of the prepayment over the amount of excessive profits determined will not be deemed to be "excessive profits determined" within the meaning of the Renegotiation Act. [RR 452]

§ 1604.453 *Treatment of prepayment for federal income tax purposes.* Any prepayment, if made pursuant to the letter agreement set forth in § 1607.743 is intended to constitute an elimination of excessive profits within the meaning of section 3806 of the Internal Revenue Code, and to be treated as a reduction of taxable income for the year to which the prepayment relates. This is true whether or not, under § 1604.452, the prepayment is ultimately deemed to be "excessive profits determined" within the meaning of the Renegotiation Act. [RR 453]

PART 1606—IMPASSE PROCEDURE

SUBPART B—FAILURE TO AGREE

1. Section 1606.624–1 is amended to read as follows:

§ 1606.624–1 *Review on request by the contractor.* A contractor who desires review by the War Contracts Board of a unilateral determination made under delegated authority should, promptly after notice of the order, and in any event within sixty days from the date of such determination, make a request in writing for such review. Such request shall be deemed to have been made (a) when mailed by registered mail, postage prepaid, to the Secretary of the War Contracts Price Adjustment Board at the address specified in § 1607.791–5 or (b) when received by such Secretary at such address, whichever is earlier. Such request need not be in any particular form but should set forth:

(1) The name of the contractor.

(2) The fiscal period with respect to which the renegotiation has been conducted (or in the case of a renegotiation on a contract-by-contract basis, a description of such contracts and subcontracts).

(3) A brief statement of the nature of the contractor's business (i. e., the articles made or services performed by the contractor).

(4) A brief summary of the issues involved. [RR 624.1]

2. Sections 1606.625–1 and 1606.625–2 are amended to read as follows:

§ 1606.625–1 *Orders made by delegated authority.* The War Contracts Board has reserved the right to review any order entered pursuant to any delegated authority determining excessive profits. Accordingly, no such order becomes final (that is, is deemed the determination of the War Contracts Board) until the earlier of the following:

(a) Sixty days after the order has been entered, if review is neither requested by the contractor concerned nor initiated by the War Contracts Board within that period; or

(b) Sixty days after the filing of a timely request for review, if such review is not granted by the War Contracts Board within that period.

After entry by delegated authority and until it has become final, as above described, such order is subject to the exclusive power of the War Contracts Board to review, and cannot be modified, rescinded or superseded other than by an order entered or agreement made by the War Contracts Board on such review. After such order is deemed the determination of the War Contracts Board, it will not be modified or rescinded by the War Contracts Board except upon a showing of fraud or malfeasance or a willful misrepresentation on the part of the contractor, and in the absence of the filing of a petition with the Tax Court of the United States as provided in subsection (e) (1) of the 1943 Act, such order will be final and conclusive. [RR 625.1]

§ 1606.625–2 *Orders entered by the War Contracts Board.* Upon any review by the War Contracts Board whether pursuant to request by the contractor or initiated by the Board on its own motion, the Board will either make an agreement with the contractor or enter an order determining as excessive profits an amount either less than, equal to, or greater than that determined by the order which has been reviewed. An agreement made or order entered by the War Contracts Board upon review of an order entered by a delegatee of authority supersedes the order of such delegatee of authority. Except upon a showing of fraud or malfeasance or a willful misrepresentation of a material fact on the part of the contractor an order entered by the War Contracts Board will not be modified or rescinded by the War Contracts Board, and, in the absence of the filing of a petition with the Tax Court of the United States as provided in subsection (e) (1) of the 1943 Act, is final and conclusive. A form which may be used for such order is set out in § 1607.747–1. [RR 625.2]

PART 1607—FORMS FOR RENEGOTIATION

SUBPART B—FORMS RELATING TO OPERATION OF RENEGOTIATION

In the form in § 1607.722, the note is amended to read as follows:

§ 1607.722 *Contractor's Information and Work Sheet for Renegotiation.*

* * * * *

NOTE: Construction contractors, architects and engineers should not use this form, but should obtain the forms designed for their specific use by writing to: War Contracts Price Adjustment Board, Assignments and Statistics Branch, Room 3D-573, The Pentagon Building, Washington 25, D. C.

SUBPART D—FORMS RELATING TO AGREEMENTS AND UNILATERAL DETERMINATIONS

Section 1607.743 is added, as follows:

§ 1607.743 *Letter agreement transmitting interim prepayment of excessive profits prior to close of fiscal year.*

_____
(Date)

_____
_____
_____
(Departmental Price Adjustment Board and Address)

GENTLEMEN:

There is herewith (or has been) transmitted to you a check in the amount of $_____, representing profits received or accrued in our fiscal year ending _____ (hereinafter referred to as "such fiscal year") derived from contracts and/or subcontracts subject to the provisions of the Renegotiation Act.[1]

This prepayment is made on the understanding (1) that such amount shall be deemed to be a payment in elimination of "excessive profits" within the meaning of such term as defined in section 3806 of the Internal Revenue Code; and (2) that such amount will not be included in income in the computation of taxable income for such fiscal year under the Internal Revenue Code and, accordingly, no tax credit is allowable against such amount. The undersigned represents that this payment is not made in satisfaction or discharge, in whole or in part, of any legally binding obligation heretofore existing.

It is agreed that acceptance of this prepayment does not constitute a commencement of renegotiation pursuant to the Renegotiation Act and that, except as provided herein, renegotiation may be conducted in all respects as though this prepayment had not been made. It is further agreed that if renegotiation pursuant to the Renegotiation Act shall hereafter be concluded with respect to such fiscal year, (1) the amount of this prepayment will, for the purpose of such renegotiation, be included in renegotiable receipts or accruals, (2) upon such basis, excessive profits, if any, will be determined under the Renegotiation Act and the regulations promulgated thereunder, and (3) upon such determination of excessive profits, this prepayment will be applied in elimination of the excessive profits so determined, and, to the extent so applied, this prepayment will be deemed to be "excessive profits determined" within the meaning of the Renegotiation Act. It is intended that, if any amount of excessive profits so determined is less than the amount of this prepayment, or if for any reason renegotiation pursuant to the Renegotiation Act shall not be concluded with respect to such fiscal year, then the excess of this prepayment, or the full amount thereof, as the case may be, shall constitute a payment in elimination of "excessive profits" as such term is defined in section 3806 of th Internal Revenue Code even though not constituting an elimination of "excessive profits determined" within the meaning of the Renegotiation Act.

It is further agreed that no part of this prepayment shall be refunded to the undersigned: *Provided, however,* That if this prepayment, or a portion thereof, shall be deemed to be "excessive profits determined" within the meaning of the Renegotiation Act, nothing herein contained shall prejudice any right which the undersigned may have to receive any refund or rebate provided for in the Renegotiation Act with respect to the excessive profits so determined.

If this prepayment is acceptable on the foregoing terms, please so indicate by indorsement of one of the three (3) copies inclosed and return such copy to us.

Yours very truly,

_____
(Name of Contractor)

By _____
(Title)

Accepted:

By _____
Acting on behalf of the War Contracts Price Adjustment Board.

If a corporation add (Corporate seal)

ATTEST:

_____
(Secretary)

[RR 743]

SUBPART I—ADDRESSES

1. In § 1607.793–1, the addresses of the Quartermaster General and the Chief Signal Officer are amended to read as follows:

§ 1607.793–1 *Headquarters.*

* * * * *

The Quartermaster General, Attention: Lt. Col. Albert W. Tolman, Jr., Price Adjustment Section, Room 2025, Tempo. B., 2nd and Q Streets, SW., Washington 25, D. C.; Tel. Republic 6700, Ext. 3744.

The Chief Signal Officer, Attention: Mr. Wilfred Goodwyn, Price Adjustment Section, Room 2C 289, The Pentagon, Washington 25, D. C.; Tel. Republic 6700, Ext. 6462.

2. In § 1607.793–2, paragraphs (a) and (e) are amended to read as follows:

§ 1607.793–2 *Field Offices of Price Adjustment Sections*—(a) *Army Air Forces.*

39 South La Salle Street, Chicago 3, Illinois; Tel. Randolph 9720.

Enquirer Building, 617 Vine Street, Cincinnati, Ohio; Tel. Cherry 8320.

4614 Prospect Avenue, Cleveland 3, Ohio; Tel. Endicott 7200.

8505 West Warren Avenue, Detroit 32, Michigan; Tel. Hogarth 8730.

3636 Beverly Boulevard, Los Angeles 54, California; Tel. Drexel 7081.

67 Broad Street, New York 4, New York; Tel. Whitehall 4–1600.

Municipal Airport, Wichita 1, Kansas; Tel. Wichita 6–6661.

(e) *Signal Corps.*

1 North La Salle Street, Chicago 2, Illinois; Tel. State 9150.

17th and Sansom Streets, Architects Building, Philadelphia 3, Pennsylvania; Tel. Rittenhouse 5950.

Signal Corps Cost Analysis Agency, 169 Eleventh Street, San Francisco 3, California; Tel. Underhill 3761.

3. Section 1607.795–2 is amended to read as follows:

§ 1607.795–2 *Miscellaneous.*

General Accounting Office, Washington 25, D. C.; Tel. Executive 4621.

Chief, Contract Review Branch, Procurement Policy Division, War Production Board, Department 1400, 4th & Independence Avenue SW., Washington 25, D. C.; Tel. Republic 7500, Ext. 6261.

[RR 795.2]

PART 1608—TEXT OF STATUTES, ORDERS, JOINT REGULATIONS AND DIRECTIVES

SUBPART A—STATUTES AND EXECUTIVE ORDERS

Section 1608.801–15 is added, as follows:

§ 1608.801–15 *First Deficiency Appropriation Act, 1945.* Title 1 of the First Deficiency Appropriation Act, 1945, states as follows:

Refunds under Renegotiation Act: There is hereby appropriated, to remain available until June 30, 1946, such amount not exceeding $15,000,000 as may be necessary to make the refunds, including refunds for prior years, required by section 403 (a) (4) (D) (relating to the recomputation of the amortization deduction) and by the last sentence of section 403 (i) (3) (relating to excess inventories) of the Renegotiation Act; and to refund any amount finally adjudged or determined to have been erroneously collected by the United States pursuant to a unilateral determination of excessive profits, with such interest thereon (at a rate not to exceed 4 per centum per annum) as may be adjudged or determined to be owing in law or equity: *Provided,* That to the extent refunds are made from this appropriation of excessive profits collected under the Renegotiation Act and retained by the Reconstruction Finance Corporation or any of its subsidiaries the Reconstruction Finance Corporation or the appropriate subsidiary shall reimburse this appropriation: *Provided further,* That the War Contracts Price Adjustment Board or its duly authorized representative shall certify the amount of any refund to be made in pursuance hereof to the Secretary of the Treasury who shall make payment upon such certificate in lieu of any voucher which might otherwise be required.

[RR 801.15]

SUBPART D—EXEMPTIONS

In § 1608.841 (a), the item "Lithium bearing ores and concentrates" is added to the list.

SUBPART E—OTHER ORDERS AND DIRECTIVES

Section 1608.851 is amended by adding § 4001.15 of the regulations of the Office of Economic Stabilization, as follows:

§ 1608.851 *Salary stabilization regulations.*

* * * * *

§ 4001.15. *Effect of unlawful payments.* (a) If any wage or salary payment is determined by the Board, the Commissioner, or the War Food Administrator, as the case may be, to have been made by an employer in contravention of the act or the regulations, rulings, or orders promulgated thereunder, the entire amount of such payment (except as provided in (b) and (c) below) shall be disregarded by the Executive Departments and all other agencies of the Government in determining costs or expenses of any such employer for the purpose of any law or regulation whether heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942, or any maximum price regulation thereof, or for the purpose of calculating deductions under

[1] In determining whether the check should be made payable to the Treasurer of the United States or to the Reconstruction Finance Corporation Price Adjustment Board, see §§ 1603.323 and 1605.502–5.

the revenue laws of the United States, or for the purpose of determining costs or expenses under any contract made by or on behalf of the United States. Except as provided in (b) below, the Board, the Commissioner, or the War Food Administrator, as the case may be, shall certify to such departments and agencies, to be disregarded by them, the amount of the wage or salary paid or accrued, and not merely an amount representing the increase or decrease made in such wage or salary in contravention of the act or regulations, rulings, or orders promulgated thereunder.

(b) The Board, the Commissioner, or the War Food Administrator, as the case may be, is authorized, in any case in which it has been found that an employer has made wage or salary payments in contravention of the act, to determine, in the light of such extenuating circumstances as are found to be present in each case and all other pertinent considerations: (1) An amount, less than the full amount prescribed in (a) above, which shall be disregarded by the Executive Departments and other agencies of the government, and (2) the particular departments or other agencies of the government by which the amount shall be disregarded, and to certify such amounts to such agencies.

(c) Any such determination by the Board, the Commissioner, or the War Food Administrator shall be conclusive and the Executive Departments and the other agencies of the government which receive such certifications shall disregard the amount thus certified in determining the employer's costs or expenses for the purpose of any law or regulation including the Emergency Price Control Act of 1942 or any maximum price regulation thereunder; or for the purpose of calculating deductions under the revenue laws of the United States; or for the purpose of determining costs or expenses of any contract made by or on behalf of the United States.

(d) Payments made or received in violation of any regulations, rulings, or orders promulgated under the authority of the act are subject to the penal provisions of the act.

[RR 851]

[F. R. Doc. 45-12563; Filed, July 11, 1945; 11:04 a. m.]

Chapter XXIII—Surplus Property Board

[SPB Reg. 6, Amdt. 2]

PART 8306—SALE OF GOVERNMENT-OWNED EQUIPMENT IN CONTRACTORS' PLANTS

SCOPE

Surplus Property Board Regulation 6, May 21, 1945, entitled "Sale of Government-owned Plant Equipment in Contractors' Plants" (10 F.R. 6309) is hereby amended by striking the final paragraph of § 8306.2 (added by Amendment 1. 10 F.R. 6981) and substituting therefor the following:

In view of the holding of the United States Circuit Court of Appeals for the Second Circuit, in the case of United States v. Aluminum Company of America, et al., decided March 12, 1945, that as of 1940 the Aluminum Company of America had a monopoly of primary aluminum in violation of law, and in view of the objectives of the Act, no plant equipment shall be disposed of under this part to the Aluminum Company of America or to any of its subsidiaries, unless such disposal is first approved in writing by the Board.

This amendment shall become effective immediately.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 6, 1945.

[F. R. Doc. 45-12550; Filed, July 11, 1945; 9:46 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service

PART 261—TRESPASS

NEVADA NATIONAL FOREST; REMOVAL OF TRESPASSING HORSES, MULES, AND BURROS

Whereas a number of horses, mules, and burros are trespassing and grazing on land in the Mount Moriah, Shell Creek, Ward Mountain, Snake, White Pine, and Charleston Divisions in the Nevada National Forest in the State of Nevada; and

Whereas these horses, mules, and burros are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35, 16 U.S.C. 551), and the Act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 472), the following order for the occupancy, use, protection, and administration of land in the Nevada National Forest is issued:

Temporary closure from livestock grazing.[1] (a) The Mount Moriah, Shell Creek, Ward Mountain, Snake, White Pine, and Charleston Divisions of the Nevada National Forest are hereby closed to the grazing of horses, mules, and burros, excepting those that are lawfully grazing on or crossing land pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land, for the period August 1, 1945 to July 31, 1947.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses, mules, and burros found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses, mules, and burros shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Nevada National Forest is located.

Done at Washington, D. C., this 10th day of July 1945.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-12570; Filed, July 11, 1945; 11:20 a. m.]

[1] This affects tabulation contained in 36 CFR 261.50.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Rev. S. O. 151]

PART 95—CAR SERVICE

SPECIAL FREIGHT TRAIN SERVICE PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of July, A. D. 1945.

It appearing, that (1) existing contracts, agreements, or arrangements between common carriers by railroad, or their agents, subject to the Interstate Commerce Act and certain consignors or consignees according expedited transportation to freight trains in consideration of a charge in addition to the applicable tariff rates and (2) common carriers operating freight trains on expedited schedules under tariffs or tariff provisions at a charge in addition to the applicable class or commodity rates or are operating freight trains which are assembled in accordance with instructions given to such carriers by consignors or consignees, which impede the use, control, supply, movement, and distribution of cars and equipment and the supply of trains necessary to a full utilization of the transportation facilities, and result in a wasteful use of cars and locomotives and interfere with the free flow of intrastate and interstate traffic necessary for the present emergency; and upon petition of the Office of Defense Transportation that the Commission take appropriate action to prohibit the operation of such freight trains during the present emergency, except under permits to be issued by the Interstate Commerce Commission or its agents; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered, that:

(a) *Definition of special freight train.* A special freight train as used in paragraph (c) of this section means a freight train which is operated on an expedited schedule at a charge in addition to the applicable class or commodity rates, or a freight train which is assembled in accordance with instructions given to a rail carrier by a consignor, consignee, or any agent of a consignor or consignee.

(b) *Contracts, agreements, or arrangements between carriers and consignors or consignees providing for special freight trains suspended.* The operation of all contracts, agreements, or arrangements between common carriers by railroad, or their agents, subject to the Interstate Commerce Act and certain consignees or consignors according expedited transportation to freight trains in consideration of a charge in addition to the applicable tariff rates is hereby suspended.

(c) *Special freight train movements prohibited.* No common carrier by railroad subject to the Interstate Commerce Act shall operate or participate in the operation of any special freight train except a freight train operated for the

purpose of transporting impedimenta correlated to a movement of troops or except as provided for in paragraph (f) of this section.

(d) *Tariff provisions suspended.* The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended, except as provided in paragraph (f) hereof.

(e) *Announcement of suspension.* Each of such railroads, or its agents, shall publish, file and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(f) *Special permits.* The provisions of this order shall be subject to any special permits issued to meet specific needs or exceptional circumstances by the agent designated in paragraph (g) of this section.

(g) *Appointment of agents.* (1) Except as provided in paragraph (2) hereof the Director of the Bureau of Service, Washington, D. C., is hereby appointed agent of the Interstate Commerce Commission to issue all permits provided for in paragraph (f) hereof.

(2) J. J. Kelly, Jr., Manager, Military Transportation Section, War Department, Pentagon Building, is hereby appointed agent of the Interstate Commerce Commission subject to the direction of the Director of the Bureau of Service to issue permits at the request of the United States War Department or Navy Department, including the United States Marine Corps and the United States Coast Guard.

(h) *Effective date.* This order shall become effective 12: 01 a. m., July 11, 1945.

(i) *Expiration date.* This order shall expire at 11:59 p. m., July 15, 1946, unless otherwise modified, changed, suspended, or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-12606; Filed, July 11, 1945; 11:50 a. m.]

[S. O. 334]

PART 95—CAR SERVICE

TRANSPORTATION OF RACE HORSES AND SHOW ANIMALS RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of July A. D. 1945.

It appearing, that the Director of the Office of Defense Transportation has requested that this Commission take such action as it deems appropriate and necessary to restrict the transportation of race horses and show animals by railroad in order to expedite the movement of troops, material of war, and civilian supplies urgently needed for the successful prosecution of the war; and

It further appearing, that the use of equipment for the transportation of such traffic by railroad is contributing to congestion, and delaying the movement of troops, material of war and civilian supplies; the Commission is of opinion an emergency requiring immediate action exists in all sections of the United States. It is ordered, that:

(a) *Definitions.* As used in this order the terms:

(1) "Race horses and show animals" means horses and animals, other than ordinary livestock, chiefly valuable for racing, show or breeding purposes and which are tendered for transportation or are transported in express service or in privately owned equipment but does not include circus animals moving pursuant to circus contracts.

(2) "Freight car" means either a railroad owned, leased or controlled freight or express car or a privately owned, leased or controlled freight or express car used in the transportation of property.

(3) "Carrier" means a common carrier by railroad or express company subject to the Interstate Commerce Act.

(b) *Transportation of race horses and show animals prohibited.* No carrier shall furnish or supply a freight car for loading with either a carload, less-than-carload, or any quantity shipment of race horses or show animals and no carrier shall transport or move any such shipment of race horses or show animals unless or until the shipper thereof or party contracting for transportation surrenders to the carrier originating the shipment prior to tender thereof a special permit issued by the Director of the Bureau of Service, pursuant to paragraph (c) hereof.

(c) *Appointment of agent to issue permits.* The Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., is hereby designated and appointed as agent of the Interstate Commerce Commission to issue permits to shippers or parties contracting for transportation authorizing the transportation of race horses or show animals. The Director may issue a permit only when he is satisfied that the shipment may be made without adversely affecting the transportation of war traffic.

(d) *Application.* (1) The provisions of this order shall apply to intrastate and foreign commerce, as well as interstate commerce.

(2) This order shall apply only to cars billed on and after the effective date hereof.

(e) *Exemptions.* The provisions of this order shall not apply to the transportation in other than express service of race horses or show animals which are not to be entered in any race or show or are not to be raced or exhibited during the period that this order is in effect: *Provided,* That the shipper or party contracting for such transportation files with the originating carrier before actual shipment an affidavit setting forth the name and address of the person owning the race horses or show animals to be shipped, a description of the race horses or show animals to be shipped, giving names if possible, the place if any at which they were last raced or exhibited, a statement that such race horses or show animals will not be raced or exhibited during the period this order is in effect, and a statement as to why it is necessary to make the shipment.

(f) *Effective date.* The provisions of this order shall become effective at 6:00 p. m., e. w. t., July 11, 1945.

(g) *Expiration date.* The provisions of this order shall expire at 12:01 a. m., e. w. t., July 1, 1946, unless otherwise modified, changed, suspended, or annuled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 176, 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That a copy of this order and direction shall be served upon the State railroad regulatory bodies of all States and the District of Columbia; and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; that a copy of this order and direction shall be served upon the Railway Express Agency; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-12608; Filed, July 11, 1945; 11:50 a. m.]

PART 110—DESTRUCTION OF RECORDS

CROSS REFERENCE: Subpart F of Part 110 is superseded by Part 325 appearing in this issue.

PART 116—CARRIERS BY WATER; LIST OF RECORDS

CROSS REFERENCE: Part 116 is superseded by Part 325 appearing in this issue.

Subchapter G—Carriers by Water

PART 325—PRESERVATION AND DESTRUCTION OF RECORDS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 2d day of July A. D. 1945.

The matter of regulations to govern the destruction of records of carriers by

water being under consideration by the Division, pursuant to the authority of sections 20 and 313 of the Interstate Commerce Act, and the Division having found that the "Regulations to Govern the Destruction of Records of Carriers by Water, Issue of 1945," hereto attached and made a part hereof, are necessary for purposes of administration of the provisions of Part I and Part III of the act; it is ordered:

1. *Regulations prescribed.* Every carrier by water and every lessor thereof subject to the provisions of the Interstate Commerce Act, and every trustee, receiver, executor, administrator, or assignee of any such carrier by water or lessor, is hereby required to comply with the "Regulations to Govern the Destruction of Records of Carriers by Water, Issue of 1945," in the destruction and retention of their operating, accounting, financial papers, records, books, blanks, tickets, stubs, and documents of carriers by water.

2. *Effective date.* The "Regulations to Govern the Destruction of Records of Carriers by Water, Issue of 1945," shall become effective on August 1, 1945.

3. A copy of this order and of the "Regulations to Govern the Destruction of Records of Carriers by Water, Issue of 1945," herein prescribed, shall be served upon every carrier by water and every lessor subject to the act, and upon every trustee, receiver, executor, administrator, or assignee of any such carrier by water or lessor, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Section 317 (d) and section 313 (g) of the Interstate Commerce Act read as follows:

SECTION 317 (d). Any water carrier or other person, or any officer, agent, employee, or representative thereof, who shall willfully fail or refuse to make a report to the Commission as required by this part, or to make specific and full, true, and correct answer to any question within thirty days from the time it is lawfully required by the Commission so to do, or to keep accounts, records, and memoranda in the form and manner prescribed by the Commission, or shall willfully falsify, destroy, mutilate, or alter any report, account, record, memorandum, book, correspondence, or other document, required under this part to be kept, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions as required under this part, or shall willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Commission with respect thereto, or shall knowingly and willfully file with the Commission any false report, account, record, or memorandum, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was in whole or in part committed, be subject for each offense to a fine of not more than $5,000. As used in this subsection the word "keep" shall be construed to mean made, prepared, or compiled, as well as retained.

SECTION 313 (g). The Commission may issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents of water carriers or lessors as may, after a reasonable time, be destroyed, and prescribing the length of time the same shall be preserved.

Comparable provisions are contained in Part I, section 20 (7) (b) and section 20 (8).

The regulations set forth in this order pertain only to the accounts, records, and memoranda named or described herein. Destruction of all accounts, records, and memoranda except as specifically provided in the regulations is subject to penalties contained in section 20 and section 317 of the act.

It is not intended that these regulations shall be interpreted as requiring that the records herein named shall be installed, when such records are not already kept by a carrier.

The following regulations to govern the destruction of records of carriers by water subject to Part I or Part III of the Interstate Commerce Act are in lieu of Part 110, Subpart F, and Part 116 of Title 49, Code of Federal Regulations.

Sec.

AUTHORITY: §§ 325.1 to 325.12, inclusive, issued under 34 Stat. 594, 35 Stat. 648–649, 54 Stat. 918 and 945; 49 U. S. C. 20 (7), (8), 913 (g).

§ 325.1 *Authority to destroy certain records.* Each and every carrier by water subject to Part I or Part III of the Interstate Commerce Act and each and every trustee, receiver, executor, administrator, or assignee of any such carrier, is permitted to destroy the accounts, records, and memoranda named or described in this part, after preserving the same for the periods of time respectively specified and upon complying with the requirements of this part. This part does not exempt carriers by water from compliance with any other statutory requirements for the preservation of accounts, records, and memoranda for longer periods than those herein specified.

§ 325.2 *Preservation of other records*—(a) *Special permission to destroy.* (1) The destruction of all accounts, records, and memoranda of such carriers, except as specifically provided in this part, is prohibited under penalties contained in section 20 and section 317 of the Interstate Commerce Act. (2) However, in case any such carrier desires to destroy any accounts, records, or memoranda other than those hereinafter named it may petition the Commission to that effect, stating a full and detailed description of the accounts, records, or memoranda in question, clearly explaining their character, their use, and their purpose; it being understood that any order entered by the Commission on any such petition shall, unless otherwise provided, be limited in its force and effect to the particular carrier presenting such petition.

(b) *Photographic copies.* Carriers by water may be granted authority to preserve photographic copies of certain records in lieu of original records or copies thereof. Application for authority shall be filed in the form of a letter which shall describe the particular records intended to be preserved by this method and the process to be used.

§ 325.3 *Officer having supervision of destruction.*[1] (a) An officer, or, where necessities require, two officers, shall be appointed by the board of directors of the carrier to have supervision of the destruction of accounts, records, and memoranda. Carriers operated as sole proprietorships or partnerships shall appoint one or two persons to supervise the destruction of accounts, records, and memoranda. Such officer or officers, or such other person or persons, may be given (1) general supervision of the destruction of all accounts, records, and memoranda the destruction of which is permitted by this part, or (2) authority over the destruction of such of these accounts, records, and memoranda as may be specified by the board of directors, the sole proprietor, or the partners. Pending action by the board of directors, a temporary appointment by an executive committee or by a similarly authorized committee of the board of directors, shall have the same effect as if made by the board of directors. A copy of the resolution or certificate of appointment shall be filed promptly with the Commission before the accounts, records, and memoranda are destroyed.

(b) If the property of a carrier is in the hands of a trustee, receiver, executor, administrator, or assignee, the officer or officers to have supervision of the destruction of accounts, records, and memoranda shall be designated by the trustee, receiver, executor, administrator, or assignee. A copy of the order designating such officer or officers shall be filed with the Commission before the accounts, records, and memoranda are destroyed.

(c) In designating an officer or officers, or other person or persons, to have general supervision of the destruction of accounts, records, and memoranda it is preferable to designate by title only, rather than by name and title, to obviate the necessity of designation each time a successor in the office is appointed.

§ 325.4 *Written authority of officer having supervision of destruction.* (a) When any accounts, records, or memoranda are to be destroyed, an officer

[1] In all respects, references in this part to an officer or to officers having supervision over the destruction of records, shall be understood to include any person or persons acting in that capacity for a carrier other than a corporation.

having supervision of the destruction of accounts, records, or memoranda (as designated in compliance with § 325.3 (a) and (b) shall issue a written authority naming the person or persons by whom the accounts, records or memoranda are to be destroyed (except as provided in § 325.11).

(b) The written authority (1) may be confined to certain accounts, records, and memoranda which have been retained for the periods of time specified in these regulations and which the carrier then desires to destroy, in which case it shall indicate:

First. A list of the accounts, records, or memoranda to be destroyed, expressed either in form numbers or by descriptive titles; and,

Second. The period or periods covered by the accounts, records, or memoranda the destruction of which is authorized;

or (2) may be of continuing effect, applying to any or all of the accounts, records, and memoranda named herein as the periods of retention of such accounts, records, or memoranda attain the limits specified herein.

(c) Such written authority, or a certified copy thereof, shall be filed in the office of the issuing officer as a permanent part of the carrier's records. It is not required that copies of these specific written authorities be filed with the Commission.

§ 325.5 *Certificates of destruction.* (a) The person or persons upon whom devolves the duty of the direct supervision of the destruction of the accounts, records, or memoranda under the authority referred to in § 325.4 (a) and (b) (1) shall make certificate (except as provided in §§ 325.5 (d) and 325.11) setting forth that the accounts, records, or memoranda listed in the said authority have been destroyed and that no accounts, records, or memoranda other than those so listed have been destroyed therewith.

(b) If an authority as referred to in § 325.4 (b) (2) is given, a certificate of destruction shall be made listing by form numbers and descriptive titles the accounts, records, and memoranda destroyed, naming the period or periods covered by the accounts, records, or memoranda, and stating that no accounts, records, or memoranda other than those so listed have been destroyed therewith. Either (1) a separate certificate shall be made each time any accounts, records, or memoranda are destroyed, or (2) cumulative certificates shall be made with entries each time any accounts, records, or memoranda are destroyed.

(c) Certificates of destruction shall be forwarded promptly to the officer having supervision of the destruction of accounts, records, and memoranda who issued the written authority and shall be retained in his office as a permanent part of the carrier's records. In case cumulative certificates are made they shall be forwarded to such officer periodically, but at least once every six months. It is not required that copies of these specific certificates of destruction be filed with the Commission.

(d) Certificates of destruction need not be made for accounts, records, and memoranda, the destruction of which, in the list in § 325.12 hereof, is made optional with the carrier, but a written authority, either for specific records or of continuing effect (except as provided in § 325.11), shall be issued by the officer having supervision of the destruction of such accounts, records, and memoranda.

§ 325.6 *Committee for destruction of certain records.* At the option of the carrier a committee may be designated to destroy by conversion into pulp or by cremation, canceled stock certificates, bonds, or other records covered by Item 6 of § 325.12, in lieu of delegating the authority for the destruction to an officer as provided in § 325.3 (a). A copy of the resolution of the board of directors naming such committee, or if the carrier is not a corporation a copy of the designating order, shall be filed promptly with the Commission. A certificate of destruction giving full descriptive reference to the documents destroyed shall be made by this committee and it shall be permanently retained by the carrier. (See § 325.5 (c).) When documents represent debt secured by mortgage, the certificates of destruction shall also be authenticated by or for the trustees under the mortgage acting in conjunction with this committee or shall have the trustees' acceptance thereon.

§ 325.7 *Joint bureaus and agencies.* This part applies also to the destruction of accounts, records, and memoranda of traffic associations, demurrage bureaus, and other joint agencies maintained by or on behalf of carriers by water. The manager, chairman, or other officer in charge of the association, bureau, etc., may be delegated by the designated officer of each of the carriers to have supervision of the destruction of accounts, records, and memoranda of the association, etc., and in that event he shall issue all authorities for such destruction, and certificates of destruction shall be filed with him. Otherwise a written authority shall be obtained from the proper officer of the member carriers concerned each time any of the accounts, records, or memoranda are to be destroyed, and a certificate of destruction shall be filed with each such officer.

§ 325.8 *Nonoperating companies.* A company owning or controlling water line property which it does not operate but which it leases to others for operating purposes shall observe this part in case it desires to destroy any of its corporate or financial accounts, records, or memoranda.

§ 325.9 *Method of destruction.* (a) The precise method of the destruction of accounts, records, or memoranda is not prescribed. The Commission is not concerned with the method of destruction, whether by fire, sale, conversion into pulp, or otherwise, so long as the destruction is authorized and a certificate of destruction is filed as required by this part.

(b) If the accounts, records, and memoranda are not actually destroyed by the carrier, but are disposed of by sale or otherwise, the certificate of destruction shall so state. Attention is directed to section 15 and section 317 of the Interstate Commerce Act, which provide that a carrier shall not divulge to any person information concerning the business of a shipper or consignee which may be used to the detriment of such shipper or consignee. Responsibility for possible infringement of this provision of the law by disposing of its records by other than actual destruction would rest with the carrier.

§ 325.10 *Accidental destruction of accounts, records, and memoranda.* If any accounts, records, or memoranda are destroyed accidentally by fire, flood, or other casualty, a statement shall be prepared listing so far as may be possible, the records destroyed and detailing the circumstances in connection with the fire or other casualty. This statement shall be authenticated by an officer or some responsible employee of the carrier and shall be filed with the officer having supervision of the destruction of accounts, records, and memoranda. A copy of the statement certifying such destruction shall be filed promptly with the Commission.

§ 325.11 *Duplicate accounts, records, and memoranda.* (a) Provision is made in Item 99 of § 325.12 for the destruction of agency copies of certain accounts, records, and memoranda after such documents have been retained for the periods assigned to the originals. In destroying these copies the certificates of destruction may be dispensed with, but a written authority as provided for in § 325.4 (a) and (b) shall be issued and appropriately filed with the officer having jurisdiction over the destruction of records.

(b) Provision is made in Item 112 of § 325.12 for the optional destruction of duplicate copies of accounts, records, and memoranda when such copies are not specifically provided for elsewhere in this part and when they contain no information not shown on the originals. In destroying such copies carriers may dispense with the written authorities and the certificates of destruction. The originals (or one true copy) shall be retained for the respective periods named for such records in this part.

§ 325.12 *List of accounts, records, and memoranda, and periods of retention.* The following list is indicative of accounts, records, and memoranda of carriers by water specifically referred to in § 325.1. The description of the accounts, records, and memoranda enumerated below under the various general headings is merely for convenient reference and identification. This part is intended to apply to the items as named or described, regardless of where they are filed and regardless of departmental organization. Of the accounts, records, and memoranda which are to be retained permanently only the more important are stated in the list, this specific mention being made so that they may not be confused with any accounts, records, or memoranda for which permission to destroy is given herein.

Item	Description of accounts, etc.	Period to be retained
	GENERAL AND FINANCIAL	
1	Minute books of directors', executive committee's, stockholders', and other meetings.	Permanent.
2	Code and cipher books, file copies of	Permanent.
3	Capital stock records:	
	(a) Capital stock ledger	Permanent.
	(b) Capital stock certificates, records of or stubs of	Permanent.
	NOTE: If the information shown on the stubs is recorded in permanent records, the stubs are required to be retained only for a period of three years.	
	(c) Stock transfer register	Permanent.
	(d) Memoranda and bills of sale or of transfer of capital stock	2 years.
	(e) Capital stock subscription notices and requests for allotment	1 year.
	(f) Canceled capital stock certificates. (See item 6.)	
4	Long-term debt records:	
	(a) Registers of bonds and certificates	Permanent.
	(b) Records or stubs of bonds and certificates	Permanent.
	NOTE. If the information shown on the stubs is recorded in permanent records, the stubs are required to be retained only for a period of three years.	
	(c) Memoranda and bills of sale or of transfer of registered bonds and certificates.	2 years.
	(d) Records of interest coupons paid and unpaid	3 years.
	(e) Funded debt subscription notices and requests for allotment	1 year.
	(f) Canceled or unissued bonds, and certificates, and paid interest coupons. (See item 6.)	
5	Corporate elections:	
	(a) Proxies of holders of voting securities	2 years.
	(b) List of holders of voting securities presented at meetings	6 years.
	(c) Qualification oaths of judges of election	Optional.
	(d) Qualification oaths of directors	Optional.
	(e) Ballots cast and tabulations of vote	6 years.
	(f) Judges' reports of election results	6 years.
6	Retired stock certificates, bonds, notes, interest coupons, receiver's and trustee's certificates, and temporary certificates; taken up and canceled. (See § 325.6.)	Optional.
7	Ledgers:	
	(a) General and auxiliary ledgers and indexes thereto, except as provided for elsewhere in this part.	Permanent.
	(b) Balance sheets of general ledgers	Permanent.
	(c) Trial balance sheets of general and auxiliary ledgers	Permanent.
8	Record of securities owned, in treasury, or with custodians	Permanent.
9	General and auxiliary journals	Permanent.
10	General and auxiliary cash books, except cash books at agencies provided for in item 97.	Permanent.
	NOTE: If any receipts or payments are entered in the aggregate in the general cash book and are detailed only on loose sheets, such loose sheets constitute an auxiliary cash book when no other permanent record of the items thereon is made.	
11	General journal entries and supporting papers except as provided for elsewhere in this part.	Permanent.
12	Records summarizing the results of auxiliary (outside) or holding company operations for entry in general books.	Permanent.
	NOTE: Ledgers, journals, abstracts, reports, vouchers, tickets, etc., shall be retained for the same periods as are provided for similar documents elsewhere in this part.	
13	Deeds, charters, franchises, and other title papers	Until legally required to release.
14	Contracts and agreements:	
	(a) Card or book records of contracts, leases, and agreements made, and of expirations and of renewals.	Permanent.
	(b) Contracts, leases, and agreements, except those provided for in item 45.	Permanent.
15	Tax records, copies of schedules and returns to taxing authorities for tax purposes; records of appeals, tax bills, and statements.	Permanent.
16	Copies of applications to and authorities from regulating bodies for the issuance of stocks, bonds, and other securities.	Permanent.
17	Fidelity bonds of employees, records and files of	3 years after expiration of coverage.
18	Insurance records:	
	(a) Records pertaining to the payment of insurance premiums and to insurance recoveries.	4 years.
	(b) Inspectors' reports of condition of insured property	2 years.
	(c) Insurance policies	Optional.
	(d) Schedules of risks covered by self insurance	3 years.

Item	Description of accounts, etc.	Period to be retained
	GENERAL AND FINANCIAL—continued	
19	Treasurer's records:	
	(a) Statements from depositaries of funds received, disbursed, and transferred.	3 years.
	(b) Daily or other periodical statements of the receipt and disbursement of funds. (See note under item 10.)	3 years.
	(c) Ledgers, journals, and other records of outstanding vouchers, checks, drafts, etc., issued and not presented.	6 years.
	(d) Bank deposit books, and stubs, ledgers, or records of checks	6 years.
	(e) Copies of deposit slips	3 years.
20	Miscellaneous records pertaining to agents' accounts:	
	(a) General office records or ledgers of agents' accounts showing debits and credits from various sources.	6 years.
	(b) Records and files of indemnity bonds incident to transportation and other charges.	3 years.
	(c) General office records relating to extension of credit for transportation and other charges.	6 years.
	(d) Statements of corrections in agents' accounts	3 years.
21	Reports of examinations, audits, and transfers by special accountants, traveling auditors, time inspectors, weight inspectors, etc., and supporting papers.	3 years.
22	Records pertaining to verification of treasurer's cash or securities	2 years.
	REVENUES	
30	Freight revenue records:	
	(a) Details of settlements with agents and others, and with other carriers	6 years.
	(b) Record of unsettled freight bills, freight bills in suspense, etc	1 year after disposition.
	(c) Tracers and supporting papers concerning unsettled freight bills	Until settled.
31	Passenger revenue records:	
	(a) Details of settlements with agents and others, and with other carriers	6 years.
	(b) Records and reports of passenger associations and bureaus	6 years.
32	Line service revenue records, other than freight and passenger revenues, detailing settlements with agents and others, and with other carriers.	6 years.
33	Records of revenues from operations other than line service, detailing settlements with agents and others, and with other carriers.	6 years.
34	Cash fare collection journals, ledgers, and records	2 years.
	EXPENDITURES	
40	Labor distributions and summaries:	
	(a) Records showing the detailed distribution of labor expenditures charged to all accounts, including memoranda and memorandum recapitulation sheets, except as provided in item 45.	4 years.
	(b) Work orders, job tickets, and other papers covering the application of labor, the details of which have been transcribed into other records for retention.	2 years.
41	Pay roll records:	
	(a) Pay rolls and summaries	Permanent.
	(b) Records and memoranda pertaining to deductions from pay rolls	Optional.
	(c) Receipted pay checks, certificates issued for wages, discharge tickets, time tickets, and other evidences of payments for services rendered by employees, except as provided in item 45.	3 years.
	(d) Canceled pay checks drawn in favor of "bearer" in payment of wages for which receipt is shown on payrolls or other records retained by carrier.	Optional.
42	Material distributions and summaries:	
	(a) Journals, ledgers, or other records and memoranda showing the detailed distribution of expenditures for materials and supplies chargeable to all accounts, including memorandum recapitulation sheets.	4 years.
	(b) Work orders, job tickets, and other papers covering the application of labor and of materials and supplies, the details of which have been transcribed into other records for retention.	2 years.
43	Vouchers:	
	(a) Register of audited vouchers payable and indexes thereto	15 years.
	(b) Paid drafts, paid checks, and receipts for cash paid out, except as provided in item 50c.	10 years.
	(c) All vouchers or accounts payable and supporting papers. (See item 45.)	10 years.
	(d) Stubs of bank check books	6 years.
	(e) Lists containing authorities for payments of specific vouchers	2 years.
	(f) Reports of drafts issued by claim agents, terminal and station agents, and others.	1 year.
	(g) Record or index of vouchers to be made, with notations of dates of issue	Optional.
44	Bills collectible:	
	(a) Register of bills collectible (or accounts receivable bills) and indexes thereto.	15 years.
	(b) Copies of bills issued for collection, and supporting papers which do not accompany the original bills.	4 years.
	(c) Copies of detailed receipts for rental of vessels to others under charter, contract, or oral agreement.	2 years after expiration of agreement.
	(d) Periodical statements of unsettled accounts, except trial balance sheets	Optional.
	(e) Record or index of bills to be issued, with notations of dates of issue	Optional.

Item	Description of accounts, etc.	Period to be retained
	EXPENDITURES—continued	
45	Real property and equipment records:	
	(a) Records and memoranda of the cost or the inventory value of real property and equipment.	Permanent.
	(b) Records and memoranda showing in detail all the items pertaining to expenditures for real property and equipment.	Permanent, but only 3 years if transferred to permanent records.
	(c) Records and memoranda pertaining to depreciation, retirements, and replacements of equipment and other property; also historical records of equipment and other property.	Permanent.
	(d) Receipted pay checks, certificates issued for wages, time tickets, and other evidences of payment for services rendered by employees in connection with real property and equipment, if full information concerning the expenditures and the distribution of the charge is shown on payrolls or other records retained according to item 45b.	2 years.
46	Special authorities for expenditures:	
	(a) Estimates and special authorities for expenditures for maintenance and improvements.	Permanent.
	(b) Detail records and memoranda pertaining to such estimates, if summarized in records covered by item 46a.	Optional.
	CLAIMS	
50	Claim records:	
	(a) Claim registers, card or book indexes, and other records in connection with overcharge, loss and damage, personal injury, fire, and other claims.	6 years.
	(b) Records showing the details of authorities issued to agents, carriers, and others for participation in freight claims.	6 years.
	(c) All papers substantiating overcharge, loss and damage, personal injury, fire, and other claims, whether such papers are filed separately or attached to vouchers. (See item 43b).	4 years after settlement or rejection.
	(d) Claim jackets if all information thereon appears in records covered by item 50c.	Optional.
51	Claim investigation records:	
	(a) Reports and statements regarding personal injuries, when not necessary to support claims or vouchers.	3 years.
	(b) Tracers, reports, and other records pertaining to unclaimed, over, short, damaged, and refused freight, when not necessary to support claims or vouchers.	1 year.
52	Sales orders incident to disposal of damaged, refused, and unclaimed freight	3 years.
	TRAFFIC	
60	Tariffs and other rate authorities:	
	(a) Tariffs, classifications, division sheets, and related circulars affecting the transportation of persons or property, in the general files of the traffic or other department in which the complete official file is maintained.	2 years after expiration or cancelation.
	(b) Tariffs, classifications division sheets, and related circulars in other departments and at agencies, if copies of the same issues of such tariffs, etc., are preserved in the general files referred to in item 60a.	Optional after expiration or cancelation.
	(c) Special or reduced rate orders, and supporting papers, covering the movement of passengers.	2 years after expiration or cancelation.
	(d) Requests and receipts from agents and others for tariffs, classifications, division sheets, and related circulars.	Optional.
	(e) Copies of concurrences and powers of attorney filed with the Interstate Commerce Commission and with other regulating bodies.	2 years after cancelation.
	(f) Written requests on carrier from persons and companies for quotations of rates and copies of carrier's quotations.	Optional.
	(g) Authorities for the transportation of property, free or at reduced rates, and supporting papers.	3 years.
	(h) Correspondence and working papers in connection with the making of rates and compilation of tariffs, classifications, division sheets, and related circulars affecting the transportation of persons or property.	3 years after cancelation of tariff, etc.
61	Diversion of freight:	
	(a) Records pertaining to the diversion or reconsignment of freight	2 years.
	(b) Requests, tracers, and correspondence in connection with diversions or reconsignments.	2 years.
62	Ticket records:	
	(a) Copies of orders on printing houses for ticket stock	2 years.
	(b) Record of ticket stock received, issued, and destroyed	2 years.
	(c) Requisitions and receipts for tickets and cash fare receipts furnished agents, pursers, and stewards.	2 years.
	(d) Used or canceled passenger-fare tickets, chair tickets, stateroom tickets, meal tickets or checks, prepaid orders, exchange checks, and storage checks; the reports of which, showing their sale or issue, have been audited. (See item 80i.)	Optional.
	(e) Unissued or unused tickets if a complete record is kept in accordance with item 62b.	Optional.
	(f) Inventories of tickets in hands of agents	2 years.
	(g) Records and reports of tickets redeemed	2 years.

Item	Description of accounts, etc.	Period to be retained
	PURCHASES AND STORES	
70	Bids, offers, copies of orders and correspondence pertaining to the purchase or sale of material and supplies.	3 years.
71	Material and supplies:	
	(a) Records of material and supplies on hand and detail papers of inventories.	6 years.
	(b) Records and reports of material and supplies received and issued	5 years.
	(c) Requisitions and receipts for material and supplies issued, the totals of which have been transcribed into other records for retention.	1 year.
	TRANSPORTATION	
80	Passes and free tickets:	
	(a) Copies of orders on printing houses for pass stock	1 year.
	(b) Record of pass stock received, distributed, and destroyed	1 year.
	(c) Requests for passes; copies or stubs of requests for passes, and receipts for passes.	3 years.
	(d) Records of passes issued	3 years.
	(e) Records of passes received from other carriers	3 years.
	(f) Stubs of trip passes	3 years.
	(g) Pass identification slips	1 year.
	(h) Records of annual or term passes honored	1 year.
	(i) Trip passes and free passenger-fare tickets collected	1 year.
	(j) Void, unused, and unissued passes	1 year.
	(k) Records of free passenger-fare tickets issued	3 years.
	(l) Pursers' and stewards' reports of passes collected or honored	1 year.
	(m) Reports of trip passes issued	2 years.
81	Pursers' and stewards' reports:	
	(a) Reports of cash collections if transcribed to records covered by item 34	1 year.
	(b) Reports of cash collections if not transcribed to records covered by item 34	2 years.
	(c) Reports of tickets collected or honored and of passengers carried	2 years.
	(d) Reports of passes collected or honored. (See item 80.)	
	(e) Reports of baggage handled	2 years.
	(f) Reports of freight and other traffic handled	2 years.
	(g) Balance sheets and supporting papers	2 years.
82	Operating department records pertaining to the movement of ships, lighters, and barges.	3 years.
	AGENCIES	
90	Freight records:	
	(a) Reports of freight forwarded and received	3 years.
	(b) Transfer records of freight received from and delivered to connecting carriers.	3 years.
	(c) Records of freight received and freight delivered	3 years.
91	Freight waybills and freight bills:	
	(a) Original local waybills and freight bills, and audited copies thereof	2 years.
	(b) Original interline waybills and freight bills received from other carriers	2 years.
	(c) Copies of all interline waybills and freight bills made to other carriers	2 years.
	(d) Copies of interline waybills moving between points on other lines to which the carrier is intermediate.	2 years.
	(e) Reports of undercharges and overcharges (correction notices)	2 years.
	(f) Company freight waybills	2 years.
	(g) Copies of waybills and freight bills furnished to joint traffic associations, bureaus, and similar agencies, if such copies contain no information other than that appearing on the original waybills and freight bills or in other records.	Optional.
	(h) Memoranda or slips on which are listed waybills and freight bills sent to the audit office, if such memoranda or slips are not used in auditing the accounts.	Optional.
92	Bills of lading and releases:	
	(a) Copies of bills of lading	2 years.
	(b) Shippers' order-notify bills of lading taken up and canceled	2 years.
	(c) Contracts covering transportation and storage risks of carriers	4 years.
	(d) Shipping tickets	2 years.
	(e) Dray tickets	2 years.
93	Baggage records:	
	(a) Baggage waybills and manifests	2 years.
	(b) Records of baggage handled	2 years.
	(c) Used and canceled baggage checks (not excess baggage)	Optional.
	(d) Excess baggage checks (including c. o. d.), excess baggage book coupons, and excess baggage permits the reports of which have been audited.	Optional.
	(e) Record of baggage check stock received, issued or destroyed	2 years.
	(f) Unused baggage checks, if record is kept in accordance with item 93e	Optional.
	(g) Receipts from agents, pursers, stewards, baggage masters, and others, for valuable letters and packages.	Optional.
94	Agents' reports:	
	(a) Reports of ticket sales	2 years.
	(b) Baggage reports	2 years.
	(c) Reports of miscellaneous collections	2 years.
95	Remittances:	
	Agents', pursers', and stewards' remittance slips, bank deposit slips, and supporting papers, not provided for elsewhere.	2 years.

Item	Description of accounts, etc.	Period to be retained
	AGENCIES—continued	
96	Agents' balance sheets and supporting papers	6 years.
97	Other records at stations, wharf offices, pursers' and stewards' offices, and other agencies; not provided for elsewhere.	6 years.
98	Instructions to agents and others:	
	(a) Books and circulars of instructions to agents and others in the general file of the department in which the complete official file is maintained.	3 years after expiration or cancelation.
	(b) Surplus copies of books and circulars of instructions and copies in other departments and at agencies, if copies of the same issues are preserved in the general file referred to in item 98a.	Optional.
99	Duplicate copies of accounts, records, and memoranda, retained in agency files, the retention of which is not provided for elsewhere. (See § 325.11a.)	Period assigned to originals.
	STATISTICS	
100	Reports to Interstate Commerce Commission and other regulating bodies:	
	(a) Annual financial, operating, and statistical reports, file copies of, and supporting records and papers.	Permanent.
	NOTE: If the figures for the above-mentioned reports are assembled on memorandum sheets, such sheets constitute a part of the supporting papers and should be retained accordingly.	
	(b) Periodical reports of operating revenues, expenses, and income, file copies of, and supporting records and papers.	3 years.
	(c) Accident reports, file copies of, and supporting records and papers	3 years.
101	Annual reports or statements to stockholders, file copies of	Permanent.
102	Statistical statements, statistical records, and supporting papers showing tonnage, revenues, and expenses not covered by item 100.	3 years.
103	Reports of tonnage, revenue, and receipts used only for preparing statements of estimated revenues or expenses or the movement of traffic.	Optional.
104	Tabulating cards used in the compilation of statistics and other data, when the results are transcribed to other records covered by these regulations.	1 year.
105	Ship records:	
	(a) Ship's log	3 years.
	(b) Ship's articles	6 years.
	(c) Passenger and room list	6 years.
	(d) Correspondence in connection with reservations	1 year.
	(e) Accident reports	3 years.
	(f) Pursers' and stewards' berth and chair checks	Optional.
	MISCELLANEOUS	
110	Incorporation and historical records of carrier	Permanent.
111	Audit reports of public accountants	3 years.
112	Duplicate copies of accounts, records, and memoranda listed in these regulations, if all information on such duplicates is contained on the originals or other copies retained, and if such duplicates are not specifically provided for in this part. (See § 325.11b.)	Optional.
113	Records of employees, including applications for employment, reports and certificates of examinations, service records, efficiency tests, employees' rosters, and other similar records.	1 year.
114	Provident department records, such as employees' relief, hospital, insurance and savings departments, other than records pertaining to the receipt and disbursement of funds.	1 year.
	NOTE: The records pertaining to the receipt and disbursement of funds must be retained for the same periods as are provided for similar records in item 19b.	
115	Destruction certificates and written authorities, with supporting data required by this part. (See §§ 325.4, 325.5, and 325.6.)	Permanent.
116	Correspondence and records thereof relating to the subjects listed in this part, not otherwise provided for.	For the period prescribed for the record to which the correspondence relates.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

APPENDIX

The following forms are suggested for the use of carriers but any other forms may be used provided they show the information required by this part:

(a) Form of resolution of Board of Directors designating an officer to have general supervision of the destruction of accounts, records, and memoranda. (See § 325.3 (a) (1).)

Excerpt from minutes of the meeting of the Board of Directors of _____ Company, held at its office in _____ on _____, 19__:

Resolved, That _____ be,
(Title of officer or name and title)

and he is hereby, designated as the officer of this company, to have general supervision of the destruction of accounts, records, and memoranda in accordance with this part to govern the destruction of records of carriers by water issued by the Interstate Commerce Commission, effective on August 1, 1945.

I hereby certify that the above is a true and correct copy.

_____
(Name)

_____
(Title)

_____, 19__.

(b) Form of resolution of Board of Directors designating an officer to have supervision of the destruction of certain accounts, records, and memoranda. (See § 325–3 (a) (2).)

Excerpt from minutes of the meeting of the Board of Directors of the _____ Company, held at its office in _____ on _____, 19__:

Resolved, That _____ be,
(Title of officer or name and title)

and he is hereby, designated as the officer having supervision of the destruction of the accounts, records, and memoranda named below, the destruction of which is permitted by this part to govern the destruction of records of carriers by water issued by the Interstate Commerce Commission, effective on August 1, 1945.

Form No.	Description	Period	Item No. in I. C. C. regulations

I hereby certify that the above is a true and correct copy.

_____
(Name)

_____
(Title)

_____, 19__.

(c) Form of resolution of Board of Directors naming a committee for the destruction of canceled bonds, interest coupons, etc. (See § 325.6)

Excerpt from minutes of the meeting of the Board of Directors of the _____ Company, held at its office in _____ on _____, 19__:

Resolved, That pursuant to the regulations to govern the destruction of records of carriers by water issued by the Interstate Commerce Commission, effective on August 1, 1945, the Board designates _____
(Titles of such persons, or names and titles)

to be a committee to act in conjunction with the representatives of the trustees in the destruction of _____
(List of and description of documents to be destroyed)

I hereby certify that the above is a true and correct copy.

_____
(Name)

_____
(Title)

_____, 19__.

(d) Form of written authority for the destruction of certain accounts, records, and memoranda. (See § 325.4 (a) and (b) (1).)

The _____ Company,
Office of _____,
_____, 19____.

In conformity with the authority conferred upon me by the Board of Directors, I hereby authorize and direct _____
(Name and title or occupation)

to destroy the accounts, records, and memoranda of this company described below, in accordance with the provisions of § 325.4 (b) (1) of this part:

Form No.	Description	Period	Item No. in I. C. C. regulations

_____
(Name)

_____
(Title)

(e) Form of written authority of continuing effect for the destruction of accounts, records, and memoranda. (See § 325.4 (a) and (b) (2).)

The _____ Company,
Office of _____,
_____, 19____.

In conformity with the authority conferred upon me by the Board of Directors, I hereby authorize and direct _____
(Name and title or occupation)

to destroy from time to time the accounts, records, and memoranda of this company in his custody, the destruction of which is permitted by this part to govern the destruction of records of carriers by water, issued by the

Interstate Commerce Commission, effective on August 1, 1945.

(Name)

(Title)

(f) Form of certificate of destruction. (See § 325.5 (a) and (b) (1).)

The _____ Company,
Office of _____,
_____, 19____.

I hereby certify that I have this day destroyed the accounts, records, and memoranda listed below, in accordance with the provisions of § 325.9 of this part, pursuant to authority dated _____, 19____. I further certify that no accounts, records, or memoranda other than those named have been destroyed therewith.

Form No.	Description	Period	Item No. in I. C. C. regulations

(Name)

(Title or occupation)

(g) Form of cumulative certificate of destruction. (See §325.5 (a) and (b) (2).)

The _____ Company,
Office of _____,
_____, 19____.

I hereby certify that I have this day destroyed the accounts, records, and memoranda listed below, in accordance with the provisions of § 325.9 of this part, pursuant to your authority dated _____, 19____. I further certify that no accounts, records, or memoranda other than those named have been destroyed therewith.

Form No.	Description	Period	Item No. in I. C. C. regulations	Date of destruction

---
(Name)

(Title or occupation)

[F. R. Doc. 45-12474; Filed July 10, 1945; 10:56 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Misc. 2054031]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 5, 1945.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U.S.C. sec. 315g), the following described lands have been reconveyed to the United States:

SIXTH PRINCIPAL MERIDIAN

T. 13 S., R. 97 W.,
SEC. 6, E½SW¼, W½SE¼, and SW¼NE¼;
SEC. 7, lots 1, 2, E½NW¼, NE¼, N½SE¼, and NE¼SW¼;
SEC. 8, W½NW¼, SE¼NW¼, and NW¼SW¼.
The area described aggregates 799.62 acres.

At 10:00 a. m. on the 63d day from the date on which this order is signed, these lands, subject to valid existing rights and the provisions of existing withdrawals, shall become subject to application, petition, location, or selection as follows:

(a) For a period of 90 days, commencing on the day and at the hour named above, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec 682a), by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. sec. 282), subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) For a period of 20 days immediately prior to the beginning of such 90-day period, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on the first day of the 90-day period, shall be treated as simultaneously filed.

(c) Commencing at 10:00 a. m. on the 91st day after the lands become subject to application, as hereinabove provided, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) Application by the general public may be presented during the 20-day period immediately preceding such 91st day, and all such applications, together with those presented at 10:00 a. m. on that day, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Subchapter I of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938 shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 45-12557; Filed, July 11, 1945; 9:51 a. m.]

DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD 89]

CONTRACTING PLASTERERS' ASSN. ET AL.

FINDINGS AS TO CONTRACTS IN PROSECUTION OF WAR

In the Matter of Contracting Plasterers' Association, et al., San Diego, California; Cases Nos. S-2177, S-2178, S-2179.

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving members of the Contracting Plasterers' Association, San Diego, California and other building and construction contractors in and around San Diego, California, employing members of Local Union No. 260, Wood, Wire and Metal Lathers International Union, Local Union No. 89, International Hod Carriers, Building and Construction Laborers' Union of America, and Local 346, Operative Plasterers' and Cement Finishers International Association,

I find that the construction, reconstruction or repair of buildings or other works or facilities, other than construction for ordinary residential purposes, by any of the above concerns, pursuant to contract, oral or written, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 10th day of July 1945.

L. B. SCHWELLENBACH,
Secretary of Labor.

[F. R. Doc. 45-12605; Filed, July 11, 1945; 11:48 a. m.]

[WLD 91]

SINTON TRANSFER

FINDINGS AS TO CONTRACTS IN PROSECUTION OF WAR

In the matter of Sinton Transfer, Keokuk, Iowa; Case No. S-2273.

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the directive

of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving Sinton Transfer, Keokuk, Iowa,

I find that the local pick-up and delivery activities of Sinton Transfer, Keokuk, Iowa, pursuant to contract, oral or written, for transportation of goods, articles and commodities for manufacturing and meat-packing concerns and railroad or long-distance trucking companies in Keokuk, Iowa, are contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C. this 10th day of July, 1945.

L. B. SCHWELLENBACH,
Secretary of Labor.

[F. R. Doc. 45-12604; Filed, July 11, 1945; 11:48 a. m.]

Wage and Hour Division.

BEET SUGAR INDUSTRY

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION

Notice of opportunity to petition for review of the determination granting the application for exemption of the beet sugar industry from the maximum hours proviisons of the Fair Labor Standards Act of 1938 pursuant to section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder.

Whereas, the determination made by the Administrator on August 24, 1940 (5 F.R. 3167) granting an exemption under section 7 (b) (3) of the Fair Labor Standards Act of 1938 for the first processing of perishable or seasonal fresh fruits and vegetables does not apply to all operations performed in the beet sugar industry but is limited to the first processing of sugar beets; and

Whereas, upon consideration of an application for the exemption of the beet sugar industry from the maximum hours provisions of the Fair Labor Standards Act of 1938 as an industry of a seasonal nature, pursuant to section 7 (b) (3) of the act and Part 526, as amended, of the regulations issued thereunder, a preliminary determination was made that a prima facie case had been shown for the granting of the aforesaid exemption to the beet sugar industry and notice thereof was published in the FEDERAL REGISTER on July 14, 1944 (9 F.R. 7860) in accordance with the provisions of § 526.5 (b) (ii) of the regulations; and

Whereas, within 15 days following the publication of the said preliminary determination, the Administrator received objections and requests for hearing; and

Whereas, pursuant to notice in accordance with §§ 526.5 and 526.6 of regulations Part 526, as amended, a public hearing was held in Denver, Colorado, on September 22, 1944 before Nathan Rubinstein, an authorized representative of the Administrator, who was authorized to receive evidence and hear argument for the purpose of determining:

Whether the beet sugar industry is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the act and Part 526, as amended, of the regulations issued thereunder, and if so, the appropriate limits of the industry and the extent to which any determination made pursuant to these proceedings shall supersede the determination made by the Administrator on August 24, 1940 (5 F.R. 3167) granting an exemption under section 7 (b) (3) of the act for the first processing of perishable or seasonal fresh fruits and vegetables insofar as that determination is applicable to the first processing of sugar beets; and

Whereas, following such hearing the said Nathan Rubinstein made his findings of fact and determined as follows:

(1) Sugar beets mature and are harvested during a regularly recurring season each year beginning in most beet producing areas about the middle of September and ending before freezing weather sets in. Although sugar beets are frequently stored for limited periods, deterioration sets in within a short time after they have been harvested and the beets must therefore be processed as quickly as possible to prevent substantial deterioration and loss of sugar;

(2) Sugar beets are processed into sugar during a regular recurring season each year from about October through January, a period of about four months, except in California, where the season may be as long as six months each year;

(3) Sugar beet processing establishments cease production during the remainder of the year except for such work as maintenance, repair, clerical and sales work, because sugar beets are no longer available for processing as a result of natural conditions;

(4) The beet sugar industry as defined in this determination is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the regulations, as amended, issued thereunder;

(5) As used in this determination, the term "beet sugar industry" includes: Receiving the sugar beets at the factory site or at receiving stations operated by the beet sugar factory; the transporting of the beets from such receiving stations to the factory when performed by employees of the sugar beet processor; the production of sugar from the beets and the further extraction of sugar from sugar beet molasses by mixing and concurrently processing the molasses with the beet juice obtained directly from the sugar beets; and the following operations when performed by employees of the sugar beet processor on or near the premises of the beet sugar plant while the sugar beets are being received at the factory or are being processed into sugar: the powdering of sugar; the compressing and artificial drying of wet beet pulp; the weighing, handling, packaging, bagging and storing of sugar, wet beet pulp, dried beet pulp and molasses; the removal of these products from the premises and placing them in transportation facilities; and any operations or services necessary or incident to the foregoing, such as the testing of the equipment, maintenance, repairs, clerical work or sales work. The term "beet sugar industry" does not include the quarrying of lime, the manufacture of bags or other sugar containers, or the manufacture of yeast, citric acid, or any other by-products not specifically included in this definition.

The application is granted in accordance with the above findings and determination, and if and when made final and effective will supersede the determination made by the Administrator on August 24, 1940 (5 F.R. 3167) granting an exemption under section 7 (b) (3) for the first processing of perishable or seasonal fresh fruits and vegetables insofar as that determination is applicable to the first processing of sugar beets; and

Whereas, said findings and determination were duly filed with the Administrator on June 23, 1945, at the National Office of the Wage and Hour Division, 165 West 46th Street, New York 19, New York, and are available for examination by all interested parties;

Now, therefore, pursuant to the provisions of § 526.7 of the aforesaid regulations, notice is hereby given that any person aggrieved by the said determination may, within 15 days after the date this notice appears in the FEDERAL REGISTER, file a petition with the Administrator at the National Office of the Wage and Hour Division requesting that he review the action of the said representative upon the record of the hearing. Such petition shall set forth the grounds upon which the petition for review is based. If no petition for review is filed within the 15 days, the findings and determination of the presiding officer will become final and the exemption for the beet sugar industry as defined in the findings and determination will become effective upon publication of notice to that effect in the FEDERAL REGISTER.

Signed at New York, New York this 5th day of July 1945.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 45-12509; Filed, July 10, 1945; 4:24 p. m.]

[Administrative Order 357]

SPECIAL INDUSTRY COMMITTEE 4, PUERTO RICO

ACCEPTANCE OF RESIGNATIONS AND APPOINTMENTS OF CERTAIN MEMBERS

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

Do hereby accept the resignations of Mr. Filipo L. de Hostos and Mr. Santiago Diaz-Pacheco from Special Industry Committee No. 4 for Puerto Rico and do appoint in their stead as representatives for the employers on such Committee, Mr. Francisco Pons of San Juan, Puerto

Rico and Mr. Vicente Leon of San Juan, Puerto Rico.

Signed at New York, New York this 3d day of July 1945.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 45-12510; Filed, July 10, 1945; 4:23 p. m.]

[Administrative Order 358]

SPECIAL INDUSTRY, COMMITTEE 4, PUERTO RICO

ACCEPTANCE OF RESIGNATIONS AND APPOINTMENTS OF CERTAIN MEMBERS

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignations of Mr. Francisco Pons and Mr. Vicente Leon from Special Industry Committee No. 4 for Puerto Rico and do appoint in their stead as representatives for the employers on such Committee, Mr. Filipo L. de Hostos of San Juan, Puerto Rico and Mr. Carlos Garcia de Quevedo of San Juan, Puerto Rico.

Signed at New York, New York this 5th day of July 1945.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 45-12511; Filed, July 10, 1945; 4:24 p. m.]

[Administrative Order 359]

SPECIAL INDUSTRY COMMITTEE 4, PUERTO RICO

ACCEPTANCE OF RESIGNATION AND APPOINTMENT OF CERTAIN MEMBERS

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Mr. Carlos Garcia de Quevedo from Special Industry Committee No. 4 for Puerto Rico and do appoint in his stead as representative for the employers on such Committee, Mrs. Gloria E. Domenech of Mayaguez, Puerto Rico.

Signed at New York, New York, this 7th day of July, 1945.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 45-12512; Filed, July 10, 1945; 4:24 p. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 333]

REROUTING OF TRAFFIC; FLOODS IN EASTERN PENNSYLVANIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of July, A. D. 1945.

It appearing, that flood conditions in an area in the vicinity of Phillipsburg, Allentown and Catasauqua, Pennsylvania, are interfering with operation of rail carriers operating in that area, and that these carriers are unable to transport the traffic offered to them for movement over routes through that area; the Commission is of opinion an emergency exists requiring immediate action in that section of the country to avoid congestion of traffic, and to best promote the service in the interest of the public and the commerce of the people: it is ordered, that:

Flood conditions in the vicinity of Phillipsburg, Allentown and Catasauqua, Pennsylvania—(a) *Rerouting of freight traffic.* All common carriers by railroad, subject to the Interstate Commerce Act, serving the flood area in the vicinity of Phillipsburg, Allentown and Catasauqua, Pennsylvania, with tracks affected by flood conditions, are hereby directed to forward freight traffic having origin or destination in, or ordinarily moving through that flood area, via routes most available to expedite its movement and prevent congestion, without regard to the routing thereof made by shippers or by carriers from which the traffic is received, or to the ownership of cars: *Provided,* That the billing covering all cars rerouted shall carry a reference to this order as authority for the rerouting. All rules, regulations, and practices of said carriers with respect to car service are hereby suspended and superseded insofar only as conflicting with the directions hereby made.

(b) *Rates to be applied.* That inasmuch as such disregard of routing is deemed to be due to carriers' disability, the rates applicable to traffic so forwarded by routes other than those designated by shippers, or by carriers from which the traffic is received, pursuant to this order, shall be the rates which were applicable at date of shipment over the routes so designated.

(c) *Division of rates.* In executing the orders and directions of the Commission provided for in this order the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; such divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(d) *Effective date.* This order shall become effective at 5:00 p. m., July 10, 1945.

(e) *Expiration date.* This order shall expire at 11:59 p. m., July 25, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 418; 41 Stat. 476, 485; sec. 4, 10; 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

It is further ordered, that copies of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-12607; Filed, July 11, 1945; 11:50 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Order 4068]

LEMARC PRODUCTS, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Lemarc Products, Incorporated, 209 Chrystie Street, New York, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Mode	Maximum price for sales by any seller to—			
		Wholesaler (jobber)	Retailer (6 units or more)	Retailer (less than 6 units)	Consumer
Single burner hot plate, covered element, black wrinkle finish, 4' cord and plug	1W	*Each* $1.18	*Each* $1.39	*Each* $1.50	*Each* $2.25
Two-burner hot plate, covered elements, black wrinkle finish, 4' cord and plug	2W	2.88	3.41	3.67	5.50

These maximum prices are for the articles described in the manufacturer's application dated June 13, 1945. They include the Federal Excise Tax.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the

Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and price filled in:

Order No. ------
Model No. ------
OPA Retail Ceiling Price—$----
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Lemarc Products, Incorporated
209 Chrystie Street
New York, N. Y.
Model No. ------
OPA Retail Ceiling Price—$----
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 11th day of July 1945.

Issued this 10th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-12486; Filed, July 10, 1945; 11:33 a. m.]

[MPR 188, Order 4069]

SOUTHWEST QUICK FREEZE DISTRIBUTORS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the 7′ frozen food display cabinet, 26 cu. ft., ⅓ hp. condensing unit manufactured by the Southwest Quick Freeze Distributors and as described in its application dated May 31, 1945, shall be:

(1) On sales to jobbers	$387.50
(2) On sales to retailers	465.00
(3) On sales to consumers	775.00

(b) On sales by the Southwest Quick Freeze Distributors the maximum net prices established in (a) above may be increased by the following amount to each class of purchaser as a charge to cover the cost of crating, when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the following: $6.00

(e) Each seller of the commodity covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum price established by this order for each such seller as well as the maximum price established for purchasers upon resale, including allowable transportation and crating charges.

(f) The Southwest Quick Freeze Distributors shall stencil on the inside of the lid or cover of the frozen food display cabinet covered by this order the maximum net price to consumers established by this order. The stencil shall contain substantially the following:

OPA maximum retail price $775.00

Plus freight and crating as provided for in Order No. 4069 under Maximum Price Regulation No. 188.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective July 11, 1945.

Issued this 10th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-12487; Filed, July 10, 1945; 11:33 a. m.]

[MPR 254, Rev. Order 4]

O. F. MOSSBERG & SONS, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to § 1379.4 of Maximum Price Regulation No. 254; *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries of Model 83 D Shotgun and Model 85 D Shotgun, manufactured by O. F. Mossberg and Sons, Inc., 131 St. John Street, New Haven 5, Conn.

(1) For all sales and deliveries to the following classes of purchasers by any person, the maximum prices are those set forth below:

Article	Model	Zone	Maximum prices for sales by all persons to—		
			Distributors exclusive of Federal excise tax.	Retailers inclusive of Federal excise tax	Consumers inclusive of Federal excise tax.
Shotgun	83D	Eastern	$9.14	$12.56	$15.30
Shotgun	85D	Eastern	10.34	14.10	17.25
Shotgun	83D	Western	9.14	12.96	15.80
Shotgun	85D	Western	10.34	14.50	17.80

These maximum prices are for the articles described in the manufacturer's applications dated January 30, 1945 and May 26, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 254 became applicable to those sales and deliveries.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries on and after the effective date of this revised order.

(4) The prices established by this revised order are subject to each seller's customary terms and conditions of sale on sales of similar articles to each class of purchaser. They include the adjustment of maximum prices permitted by § 1379.4a of Maximum Price Regulation No. 254.

(b) At the time of, or prior to, the first invoice to a purchaser for resale, each seller shall notify the purchaser in writing of the maximum price and conditions established by this revised order for resales by the purchaser. This notice may be given in any convenient form.

(c) When used in this revised order, "western zone" means all states lying west of the Rocky Mountains. The rest of the United States is in the eastern zone.

(d) All provisions of Maximum Price Regulation No. 254 not inconsistent with the provisions of this order are applicable to the sales of the article for which maximum prices are established by this revised order.

(e) This revised order may be revoked or amended by the Price Administrator at any time.

(f) This revised order shall become effective on the 11th day of July 1945.

Issued this 10th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-12488; Filed, July 10, 1945; 11:34 a. m.]

[RMPR 300, Order 14]

K. & W. RUBBER CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 8 of Revised Maximum Price Regulation 300 and

section 6.4 of Second Revised Supplementary Regulation 14 to the General Maximum Price Regulation; it is ordered:

(a) *Applicability.* This order applies to all sales of balata air mattresses size 34" x 72" and size 34" x 48" and air pillows size 11" x 14" that are manufactured by the K. & W. Rubber Corporation, Delaware, Ohio.

(b) *Maximum prices.* The maximum net prices for sales of the commodities described in paragraph (a) of this order, shall be:

	Size	For sales to post exchanges, all other retailers and to wholesalers	For sales at retail by post exchanges
Large Air Mattresses	34" x 72"	$15.45	$20.60
Small Air Mattresses	34" x 48"	10.50	14.00
Air Pillows	11" x 14"	1.24	1.65

The maximum prices for sales at retail by all retailers other than post exchanges of the commodities priced by this order shall be 166⅔ percent of the net purchase price, excluding cash discounts.

The above maximum prices for sales to post exchanges, all other retailers and to wholesalers shall be subject to cash discount of 2 percent, ten days, net thirty days. The above prices for the manufacturer's sales to wholesalers, post exchanges and to other retailers are subject to freight terms—f. o. b. Delaware, Ohio.

(c) *Notification of maximum prices.* With or prior to the first delivery of any of the commodities described in paragraph (a) to any reseller, the seller shall give such reseller a written notice of the maximum retail price applicable thereto as established by paragraph (b) of this order. If such reseller is a wholesaler, the notification shall include the maximum price applicable to the wholesaler's resales as established by paragraph (b) of this order and a statement that such wholesaler is required by this order to notify any retailer to whom he sells of the maximum retail price as established by paragraph (b) of this order.

(d) *Recomputation of maximum prices.* Between ninety and one hundred five days after the effective date of this order, the manufacturer shall recompute his costs for each commodity described in paragraph (b) of this order and submit a detailed statement to the Office of Price Administration of the actual unit cost for the production and distribution of each of the commodities based upon actual experience incurred during this period of time.

(e) All provisions of Revised Maximum Price Regulation 300 not inconsistent with this order shall apply to the manufacturer's sales of the commodities priced by this order. All provisions of Revised Maximum Price Regulation 301 that are applicable to the commodities priced under that regulation and that are not inconsistent with this order shall apply to sales by wholesalers and retailers of the commodities priced by this order.

(f) This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective July 11, 1945.

Issued this 10th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-12489; Filed, July 10, 1945; 11:35 a. m.]

[MPR 478, Order 147]

HOOD RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to section 10 of Maximum Price Regulation 478, *It is ordered:*

(a) The maximum price for sales of the following coated fabric manufactured by the Hood Rubber Company, Watertown 72, Massachusetts, shall be as follows:

37½" 1.32 tent twill, dyed, with 20¼ ozs. dry weight of vinyl resin coating embossed: $2.21 per linear yard.

(b) With or prior to the first delivery of the fabric covered by this order, to any person other than a manufacturer, the seller shall notify such person in writing of the specific maximum price applicable to his resale of this coated fabric which is the maximum price set forth in paragraph (a) above.

(c) All provisions of Maximum Price Regulation 478 not inconsistent with this order shall apply to sales covered by this order.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective July 11, 1945.

Issued this 10th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-12490; Filed, July 10, 1945; 11:35 a. m.]

[MPR 478, Order 148]

HOOD RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 10 of Maximum Price Regulation 478; *It is ordered:*

(a) The maxmum price for sales of the following coated fabric manufactured by the Hood Rubber Company, Watertown 72, Massachusetts, shall be as follows:

40" 60 x 56 3.60 sheeting, dyed and coated with 5.13 oz. dry weight of vinyl resin per square yard, 37½" finished width, $0.73 per linear yard.

(b) With or prior to the first delivery of the coated fabric covered by this order, to any person other than a manufacturer, the seller shall notify such person in writing of the specific maximum price applicable to his resale of this coated fabric, which is the maximum price set forth in paragraph (a) above.

(c) All provisions of Maximum Price Regulation 478 not inconsistent with this order shall apply to sales covered by this order.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective July 11, 1945.

Issued this 10th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-12491; Filed, July 10, 1945; 11:35 a. m.]

[MPR 478, Order 149]

PLYMOUTH RUBBER CO., INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 10 of Maximum Price Regulation No. 478; *It is ordered:*

(a) The maximum prices for sales of the following coated fabrics manufactured by the Plymouth Rubber Company, Inc., Canton, Massachusetts, shall be as follows:

40" 56 x 48 4.30 sheeting with 4 to 4½ oz. dry weight of pyroxylin coating embossed: $0.38 per linear yard.

40" 56 x 48 4.30 sheeting with 6 to 6½ oz. dry weight of pyroxylin coating embossed: $0.46 per linear yard.

(b) With or prior to the first delivery of fabrics covered by this order, any person other than a manufacturer, the seller shall notify such person in writing of the specific maximum price applicable to his resale of these coated fabrics which is the maximum price set forth in (a) above.

(c) All provisions of Maximum Price Regulation No. 478 not inconsistent with this order shall apply to sales covered by this order.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective July 11, 1945.

Issued this 10th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-12492; Filed, July 10, 1945; 11:35 a. m.]

[MPR 580, Order 81]

BALI BRASSIERE CO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

Order 81 to Maximum Price Regulation 580. Establishing ceiling prices at retail for branded articles. Docket No. 6063-580-13-207.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following branded articles manufactured by Bali Brassiere Co., Inc., Eight West Thirtieth Street, New York, N. Y., and described in the manufacturer's application dated May 17, 1945.

Article	Brand name	Style No.	Manufacturer's price line (per dozen)	Ceiling price at retail (per unit)
Bandeau	Bali Bra	101-c	$10.51	$1.50
	do	104-a	9.15	1.25
	do	7404-A	13.50	2.00
	do	9404-A	10.69	1.50
	do	105-B	9.33	1.25
	do	7405-B	15.00	2.50
	do	9405-B	12.00	1.75
	do	106-C	11.95	1.50
	do	7406-C	18.00	3.00
	do	9406-C	15.00	2.25
¾ Length Brassiere	do	107-D	13.12	2.00
	do	7407-D	21.00	3.50
	do	9407-D	13.76	2.50
Bandeau	do	198-B	10.47	1.50
Brassiere	do	203-D	16.54	2.50
	do	284-B	13.23	2.00
	do	285-C	13.23	2.00
	do	2855-C	18.00	3.00
	do	286-C	14.82	2.25
	do	287-C	19.53	3.00
	do	288-A	13.24	2.00
	do	293-B	14.96	2.25
	do	7893-B	30.00	5.00
	do	294-C	18.00	3.00
	do	7894-C	30.00	5.00
	do	295-C	16.57	2.50

(b) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which would otherwise be established under the pricing rules of Maximum Price Regulation No. 580.

(c) On and after July 31, 1945, Bali Brassiere Co., Inc. must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Retail Ceiling Price $------

On and after August 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation No. 580.

(d) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(e) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 580 shall apply to sales for which retail ceiling prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective July 11, 1945.

Issued this 10th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-12493; Filed, July 10, 1945; 11:36 a. m.]

[MPR 580, Order 82]

BEAU BRUMMELL TIES, INC.

ESTABLISHMENT OF MAXIMUM PRICES

Order 82 to Maximum Price Regulation 580. Establishing ceiling prices at retail for branded articles. Docket No. 6063—580-13-15.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580, *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following branded articles manufactured by Beau Brummell Ties, Inc., Cincinnati, Ohio, and described in the manufacturer's application dated March 31, 1945:

Article	Brand name	Manufacturer's price line	Ceiling price at retail
Bow ties	Beau Brummell Palm Beach.	*Per dozen* $4.75	*Per unit* $0.75

(b) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which would otherwise be established under the pricing rules of Maximum Price Regulation No. 580.

(c) On and after July 31, 1945, Beau Brummell Ties, Inc. must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Retail Ceiling Price—$------

On and after August 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation No. 580.

(d) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(e) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 580 shall apply to sales for which retail ceiling prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective July 11, 1945.

Issued this 10th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-12494; Filed, July 10, 1945; 11:36 a. m.]

[MPR 580, Order 83]

F. C. HUYCK & SONS

ESTABLISHMENT OF MAXIMUM PRICES

Order 83 to Maximum Price Regulation 580. Establishing ceiling prices at retail for branded articles. Docket No. 6063-580-13-213.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following branded articles manufactured by F. C. Huyck & Sons, Albany 1, N. Y., and described in the manufacturer's application dated May 18, 1945.

Article	Brand name	Manufacturer's selling price	Ceiling price at retail in States enumerated below	Ceiling price at retail, except in States enumerated below
Blanket No. 43 Famous, 72 x 90.	Kenwood	$9.60	$16.50	$15.95

Arizona, California, New Mexico, Oklahoma, Texas, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, North Dakota, and South Dakota.

(b) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which would otherwise be established under the pricing rules of Maximum Price Regulation No. 580.

(c) On and after July 31, 1945, F. C. Huyck & Sons, must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Retail Ceiling Price $------

On and after August 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation No. 580.

(d) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(e) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 580 shall apply to sales for which retail ceiling prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective July 11, 1945.

Issued this 10th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-12495; Filed, July 10, 1945; 11:36 a. m.]

[MPR 580, Order 84]

FRANK H. LEE CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 84 to Maximum Price Regulation 580. Establishing ceiling prices at retail

for branded articles. Docket No. 6063–580–13–209.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following branded articles manufactured by The Frank H. Lee Company, Danbury, Conn. and described in the manufacturer's application dated May 21, 1945:

Article	Brand name	Style name	Manufacturer's price line (per dozen)	Ceiling price at retail per unit
Hats	Lee	Sportweight	$36.00	$5.00
		Water Bloc	43.50	6.50
		Pants Pocket Water Bloc.	54.00	7.50
		Lee Water Block Ten.	72.00	10.00
		Water Bloc Hunter	84.00	12.50

(b) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which would otherwise be established under the pricing rules of Maximum Price Regulation No. 580.

(c) On and after July 31, 1945, The Frank H. Lee Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Retail Ceiling Price—$_____

On and after August 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation No. 580.

(d) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(e) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 580 shall apply to sales for which retail ceiling prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective July 11, 1945.

Issued this 10th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45–12496; Filed, July 10, 1945; 11:37 a. m.]

[MPR 580, Order 85]

SIMMONS CO.

ESTABLISHMENT OF MAXIMUM PRICES

Order 85 to Maximum Price Regulation 580. Establishing ceiling prices at retail for branded articles. Docket No. 6063–580–13–166.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 13 of Maximum Price Regulation No. 580; *It is ordered:*

(a) The following ceiling prices are established for sales by any seller at retail of the following branded articles manufactured by Simmons Company, 230 Park Avenue, New York 17, N. Y., and described in the manufacturer's application dated May 1, 1945:

Article	Brand name	Style name	Manufacturer's price line	Ceiling price at retail
Mattress	Simmons	White Knight	$21	$39.50
Do	do	Luxyoury	21	39.50
Box spring	do	Beautyrest	21	39.50
Do	do	White Haven	16	29.95
Mattress	do	do	16	29.95

(b) The retail ceiling prices contained in paragraph (a) shall apply in place of the ceiling prices which would otherwise be established under the pricing rules of Maximum Price Regulation No. 580.

(c) On and after July 31, 1945, Simmons Company must mark each article listed in paragraph (a) with the retail ceiling price under this order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

(Section 13, MPR 580)
OPA Retail Ceiling Price $_____

On and after August 1, 1945, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 1, 1945, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation No. 580.

(d) On or before the first delivery to any purchaser for resale of each article listed in paragraph (a), the seller shall send the purchaser a copy of this order.

(e) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 580 shall apply to sales for which retail ceiling prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective July 11th, 1945.

Issued this 10th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45–12497; Filed, July 10, 1945; 11:37 a. m.]

[Max. Import Price Reg., Order 98]

BALSA LUMBER

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of the Maximum Import Price Regulation, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which importers and intermediate distributors may sell, and maximum prices at which any person may buy from such sellers, imported balsa lumber. The balsa lumber to which this order applies is identified by grades, as indicated in paragraph (b), which are generally recognized and used in the trade. Sales of other grades of balsa lumber by importers and intermediate distributors remain subject to the Maximum Import Price Regulation.

(b) *Maximum prices.* Notwithstanding the provisions of the Maximum Import Price Regulation, on and after July 12, 1945, regardless of any contract, agreement, or other obligation, no importer or intermediate distributor may sell or deliver, and no person may buy or receive from such sellers, imported balsa lumber at prices per thousand feet board measure, exceeding the following:

(1) *Sales by importers*—(i) *Random lengths (36" and longer).*

	Kiln dried		Air dried	
	Bundled dressed	Bundled or loose rough	Bundled dressed	Bundled or loose rough
Atlantic and Gulf ports				
Grade:				
AA and A	$166.00	$161.00	$158.50	$153.50
B	150.75	145.75	143.25	138.25
C	135.75	130.75	128.25	123.25
California ports				
Grade:				
AA and A	158.75	153.25	150.50	145.50
B	143.00	138.00	135.50	130.50
C	127.75	122.75	120.25	115.25

(ii) *Shorts.* Deduct $10.00 per thousand feet board measure from prices established for "random lengths."

These prices are "free-of-ships-tackle" and include excise tax and entry fees. They also include any expenses of protecting the upper and lower surfaces of bundled dressed lumber against damage during shipment, by the use of slabs of native lumber. Costs actually incurred in effecting deliveries of balsa lumber, other than on the basis of "free-of-ships-tackle", may be added. Services rendered in making delivery in accordance with the buyer's specification may be charged in addition to the above, *Provided,* That such charges may not exceed the maximum permitted by the applicable maximum price regulation.

(2) *Sales by intermediate distributors.* The maximum price an intermediate distributor may charge may not exceed the sum of the following:

(i) Net cost, which may not be higher than the maximum price of his supplier.

(ii) Transportation expenses incurred to his warehouse or yard.

(iii) Handling charges as follows:

(*a*) On balsa lumber received from the importer in bundles and reshipped in the same bundles, the maximum handling charge may not exceed $10.00 per thousand feet board measure for all grades and thicknesses.

(*b*) On balsa lumber received and/or shipped in any other manner than that specified in subparagraph (*a*) above, the maximum handling charges per thousand feet board measure may not exceed

(*1*) $30.00 on lumber less than 1¾" sales thickness.

(*2*) $25.00 on lumber in sales thicknesses of 1¾" to 2½" inclusive.

(*3*) $20.00 on lumber in sales thicknesses of 2¾" or more.

(iv) A markup, on the sum of items (i), (ii) and (iii), of 30% on sales of 1,000 feet or less, 20% on sales of 1,000 feet to 5,000 feet, inclusive, 15% on sales of 5,000 feet to 15,000 feet, inclusive, and 10% on all sales over 15,000 feet.

NOTE: The size of the sale is determined on the basis of the total amount involved in the transaction, regardless of size of particular orders or shipments.

(c) *Definitions.* (1) "Grades" shall mean the grades of balsa lumber, as set forth in the grading rules of FEA, revised May 1, 1944, in effect under the FEA purchase program of balsa lumber, and which are generally recognized as such in the trade.

(2) "Shorts" means pieces of balsa lumber under 36" in length.

(d) *Brokers or agents commissions.* The maximum prices established by this order include, and may not be increased by, any commission paid to any broker or to any buying or selling agent.

(e) *Less than maximum prices.* Lower prices than those established by this order may be charged, demanded, paid or offered.

(f) *Application of the Maximum Import Price Regulation.* Unless the context otherwise requires, the provisions of the Maximum Import Price Regulation, as amended, shall apply to sales for which maximum prices are established by this order.

(g) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective July 12, 1945.

Issued this 11th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-12597; Filed, July 11, 1945; 11:37 a. m.]

[RPS 49, Order 18]

RESALE OF IRON OR STEEL PRODUCTS

ESTABLISHMENT OF MAXIMUM PRICES ON COILED HAY BALING WIRE

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1306.159 (c) (3) of Revised Price Schedule No. 49, *It is ordered:*

(a) Any person may sell and deliver and any person may buy and receive hay baling wire in continuous length even-weight coils, manufactured for use in automatic or semi-automatic hay baling machines, at prices not in excess of the maximum delivered prices set forth herein as applicable to the type of shipment made.

(1) For direct mill shipments of any quantity or for shipments of any quantity which has not been put through the "operations commonly known as the warehousing or iron or steel products" as defined in § 1306.157 (s) of Revised Price Schedule No. 49, the maximum delivered price shall be the same price that a mill would be permitted to charge for an identical shipment under the provisions of Revised Price Schedule No. 6, Iron and Steel Products.

(2) For out-of-stock shipments of material which has been put through the "operations commonly known as the warehousing of iron or steel products" as defined in § 1306.157 (s) of Revised Price Schedule No. 49, when sold to persons buying for resale in substantially the same form as received; to contractors; industrial, commercial, or institutional buyers; or the Federal or any State Government, or political subdivisions thereof:

(i) In quantities of iron or steel products totaling less than 40,000 pounds, the aggregate of:

(*a*) The direct mill shipment 40,000 pound price f. o. b. the city in which the warehouse or store is located, computed in accordance with the provisions of Revised Price Schedule No. 6, Iron or Steel Products, by using the carload rate of freight from governing basing point to the city in which the warehouse or store is located, (provided that if the material is shipped direct to such warehouse or store by the producing mill and that mill is permitted to use and uses the emergency basing point provisions set forth in Revised Price Schedule No. 6) the carload rate of freight actually charged may be used; plus

(*b*) A markup of 20 percent of such price; plus

(*c*) The actual transportation charges paid from the location of stock to destination of customer.

(ii) In quantities of iron or steel products totaling 40,000 pounds or more, the aggregate:

(*a*) The maximum delivered price set forth in section (2) (i) above for shipments in quantities less than 40,000 pounds; minus

(*b*) Fifteen cents per 100 pounds.

(3) For out-of-stock shipments of material which has been put through the "operations commonly known as the warehousing of iron or steel products" as defined in § 1306.157 (s) of Revised Price Schedule No. 49 when sold to persons buying for use, other than those named in (2) above.

(i) In quantities greater than 2500 pounds, the applicable maximum delivered price set forth in (2) above.

(ii) In quantities of 2500 pounds or less, the aggregate of:

(*a*) The permissible maximum price that the seller may pay his source of supply under this Order or under Revised Price Schedule No. 6, whichever governed the transaction; plus

(*b*) A markup of 33⅓ percent of such price; plus

(*c*) The actual transportation charges paid from the location of the stock to destination.

(b) Definitions. (1) "Carload rate of freight" means the lowest filed rail rate of freight (for the wire covered by this order) between the points indicated, increased by 3 percent.

(2) All other terms used herein shall have the meaning given them in Revised Price Schedule No. 49.

(c) All orders for iron or steel products, other than pipe or tubular products, received from one customer in one day for shipment to one destination at one time or at seller's convenience, shall be combined for quantity.

(d) Except as set forth herein, all provisions of Revised Price Schedule No. 49 shall be applicable to sellers and buyers of this material.

(e) This order may be modified, amended or revoked by the Administrator at any time.

This order shall become effective on the 14th day of July 1945.

Issued this 11th day of July 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-12609; Filed, July 11, 1945; 11:38 a. m.]

SURPLUS PROPERTY BOARD.

[SPB Reg. 3,[1] Order 3]

TRUCKS

ALLOCATION FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN SUFFOLK AND NASSAU COUNTIES, LONG ISLAND, N. Y.

Pursuant to § 8303.4 and in reliance upon the certificate of the War Food Administrator to the Surplus Property Board that farm production is impaired or threatened to be impaired in Suffolk and Nassau Counties, Long Island, New York, by a shortage of pickup and one-and-one-half-ton trucks; *It is hereby ordered,* That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations located in Suffolk and Nassau Counties, Long Island, New York and holding certificates of the Agricultural Adjustment Agency, 12 one-and-one-half-ton trucks, 1 pickup truck, and 2 reconnaissance trucks, and shall without regard for the requirements of Part 8302,[2] take immediate steps to so dispose of such property by the methods provided in § 8303.4 (c).

[1] 10 F.R. 5825.

[2] SPB Reg. 2, 10 F.R. 5104.

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 6, 1945.

[F. R. Doc. 45-12551; Filed, July 11, 1945; 9:47 a. m.]

[SPB Reg. 3,[1] Order 4]

TRUCKS

ALLOCATION FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES IN DELAWARE, MARYLAND, AND VIRGINIA

Pursuant to § 8303.4 and in reliance upon the certificate of the War Food Administrator to the Surplus Property Board that farm production is impaired or threatened to be impaired in New Castle, Kent, and Sussex Counties, Delaware; in Cecil, Queen Annes, Kent, Caroline, Talbot, Dorchester, Wicomico, Somerset and Worcester Counties, Maryland; and in Accomac and Northampton Counties, Virginia; by a shortage of one-half-ton pickup and one-and-one-half-ton trucks; *It is hereby ordered,* That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations located in New Castle, Kent and Sussex Counties, Delaware; in Cecil, Queen Annes, Kent, Caroline, Talbot, Dorchester, Wicomico, Somerset and Worcester Counties, Maryland; and in Accomac and Northampton Counties, Virginia, and holding certificates of the Agricultural Adjustment Agency, 24 one-half-ton pickup trucks, 2 one-and-one-half-ton panel trucks, 8 one-and-one-half-ton stake body trucks, and 6 one-and-one-half-ton cargo trucks, and shall without regard to the requirements of Part 8302,[2] take immediate steps to so dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 6, 1945.

[F. R. Doc. 45-12552; Filed, July 11, 1945; 9:47 a. m.]

[SPB Reg. 3,[1] Order 5]

TRUCKS

ALLOCATION FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES IN MAINE

Pursuant to § 8303.4 and in reliance upon the certificate of the War Food Administrator to the Surplus Property Board that farm production is impaired or threatened to be impaired in Aroostook, Piscataquis, Somerset, Penobscot and Waldo Counties, Maine, by a shortage of pickup trucks, one-and-one-half-ton trucks and heavier trucks; *It is hereby ordered,* That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations located in Aroostook, Piscataquis, Somerset, Penobscot and Waldo Counties, Maine, and holding certificates of the Agricultural Adjustment Agency, 20 one-half-ton pickup trucks, 10 reconnaissance trucks, 16 one-and-one-half-ton trucks, and 1 one-and-one-half-ton panel truck, and to farmers and farmers' cooperative associations located in Aroostook County, Maine, and holding certificates of the Agricultural Adjustment Agency, 2 one-and-one-half-ton trucks, 2 one-and-one-half-ton to three-ton trucks, and 3 two-ton to three-and-one-half-ton trucks, and shall without regard for the requirements of Part 8302[2], take immediate steps to so dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 6, 1945.

[F. R. Doc. 45-12553; Filed, July 11, 1945; 9:47 a. m.]

[SPB Reg. 3,[1] Order 6]

TRUCKS

ALLOCATION FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES IN WISCONSIN

Pursuant to § 8303.4 and in reliance upon the certificates of the War Food Administrator to the Surplus Property Board that farm production is impaired or threatened to be impaired in Outagamie, Calumet, Winnebago, Manitowoc, Fond du Lac, Green Lake, Sheboygan, Washington, Dodge, Columbia, Sauk, Dane, Green, Rock, Walworth, and Jefferson Counties, Wisconsin, by a shortage of one-and-one-half-ton dump, cargo-stake-and-platform, and cargo trucks; *It is hereby ordered,* That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations located in Outagamie, Calumet, Winnebago, Manitowoc, Fond du Lac, Green Lake, Sheboygan, Washington, Dodge, Columbia, Sauk, Dane, Green, Rock, Walworth, and Jefferson Counties, Wisconsin, and holding certificates of the Agricultural Adjustment Agency, 59 one-and-one-half-ton dump, cargo-stake-and-platform, and cargo trucks, and shall without regard to the requirements of Part 8302,[2] take immediate steps to so dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 6, 1945.

[F. R. Doc. 45-12554; Filed, July 11, 1945; 9:47 a. m.]

[SPB Reg. 3,[1] Order 7]

TRUCKS

ALLOCATION FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN CERTAIN COUNTIES IN OREGON

Pursuant to § 8303.4 and in reliance upon the certificate of the War Food Administrator to the Surplus Property Board that farm production is impaired or threatened to be impaired in the Counties of Jefferson, Wasco, Sherman, Gilliam, Morrow, and Umatilla, Oregon, by a shortage of one-and-one-half-ton and two-ton cargo and flatbed trucks; *It is hereby ordered,* That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations located in the Counties of Jefferson, Wasco, Sherman, Gilliam, Morrow, and Umatilla, Oregon, and holding certificates of the Agricultural Adjustment Agency, 36 one-and-one-half-ton cargo trucks, and shall without regard for the requirements of Part 8302,[2] take immediate steps to so dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 6, 1945.

[F. R. Doc. 45-12555; Filed, July 11, 1945; 9:47 a. m.]

[SPB Reg. 3,[1] Order 8]

TRUCKS

ALLOCATION FOR DISPOSAL TO FARMERS AND FARMERS' COOPERATIVES IN BERRIEN AND VAN BUREN COUNTIES, MICH.

Pursuant to § 8303.4 and in reliance upon the certificate of the War Food Administrator to the Surplus Property Board that farm production is impaired or threatened to be impaired in Berrien and Van Buren Counties, Michigan, by a shortage of one-and-one-half-ton and two-ton cargo, dump, stake, and cab and chassis trucks; *It is hereby ordered,* That:

The Department of Commerce, as disposal agency, shall allocate for disposal to farmers and farmers' cooperative associations located in Berrien and Van Buren Counties, Michigan, and holding certificates of the Agricultural Adjustment Agency, 15 one-and-one-half-ton and two-ton cargo, dump, stake, and cab and chassis trucks, and shall without regard for the requirements of Part 8302,[2] take immediate steps to so dispose of such property by the methods provided in § 8303.4 (c).

This order shall become effective immediately.

SURPLUS PROPERTY BOARD,
By A. E. HOWSE,
Administrator.

JULY 6, 1945.

[F. R. Doc. 45-12556; Filed, July 11, 1945; 9:48 a. m.]

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[1] 10 F.R. 5325.
[2] SPB Reg. 2, 10 F.R. 5104.

WAR MANPOWER COMMISSION.

WILMINGTON, DEL., AREA

MINIMUM WARTIME WORKWEEK

Amendment to the designation of the Wilmington, Delaware, area, as subject to the provisions of Executive Order No. 9301.

The designation of the Wilmington, Delaware, Area (9 F.R. 2064) as subject to the provisions of Executive Order No. 9301 is hereby revoked as it applies to activities and establishments not designated as essential or locally-needed by the War Manpower Commission, effective July 9, 1945.

The application of Executive Order No. 9301 to essential and locally-needed activities in the designated area shall be made in accordance with policies and procedures established by the War Manpower Commission.

The geographical area affected by this amendment shall be the same as specified in the original designation.

Dated: July 5, 1945.

PAUL C. LEWIS,
Regional Director.

[F. R. Doc. 45-12507; Filed, July 10, 1945; 2:38 p. m.]

NEWARK, N. J., AREA

MINIMUM WARTIME WORKWEEK

Amendment to the designation of the Newark, New Jersey, area as subject to the provisions of Executive Order No. 9301.

The designation of the Newark, New Jersey, Area (9 F.R. 2430) as subject to the provisions of Executive Order No. 9301 is hereby revoked as it applies to activities and establishments not designated as essential or locally needed by the War Manpower Commission, effective July 10, 1945.

The application of Executive Order No. 9301 to essential and locally needed activities in the designated area shall be made in accordance with policies and procedures established by the War Manpower Commission.

The geographical area affected by this amendment to Region III General Order No. 2 shall be the same as specified in the original order.

Dated: July 6, 1945.

PAUL C. LEWIS,
Regional Director.

[F. R. Doc. 45-12508; Filed, July 10, 1945; 2:38 p. m.]

WAR PRODUCTION BOARD.

[C-213, Revocation]

MASSACHUSETTS APARTMENTS, INC. AND WALLACE R. MARDEN

CONSENT ORDER

Consent Order C-213 was issued September 19, 1944 against Massachusetts Apartments, Inc. and Wallace R. Marden for violation of Conservation Order L-41 upon the consent of Massachusetts Apartments, Inc. and Wallace R. Marden, the Regional Compliance Manager and the Regional Attorney, and with the approval of a Compliance Commissioner. Massachusetts Apartments, Inc. and Wallace R. Marden have made application with the Federal Housing Administration for authorization to complete the construction of the premises located at #9 Lantern Lane, Hingham, Massachusetts. The Federal Housing Administration is prepared to authorize the construction requested in the application and the Regional Compliance Manager and the Regional Attorney have consented to the revocation of this consent order.

In view of the foregoing, the Director of the Compliance Division and the Office of General Counsel have directed that Consent Order C-213 be revoked.

Issued this 11th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-12582; Filed, July 11, 1945; 11:32 a. m.]

[C-226, Revocation]

MOLLY MOSKOWITZ

CONSENT ORDER

Molly Moskowitz, 7807 Broadway Avenue, Cleveland, Ohio, was charged by the War Production Board with having done construction in August 1945, without permission of the War Production Board of a cafe and residence located at the above address, at an estimated cost in excess of $200, in violation of Conservation Order L-41. Consent Order No. C-226 was entered into by Molly Moskowitz, the Regional Compliance Chief and the Regional Attorney with the approval of the Compliance Commissioner. In view of the fact that Conservation Order L-41, as amended May 29, 1945, raises the limit on this type of construction to $5,000 the Director of the Compliance Division and the Office of General Counsel have directed that Consent Order C-226 be revoked.

In view of the foregoing, it is hereby ordered that *Consent Order C-226* be revoked.

Issued this 11th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-12579; Filed, July 11, 1945; 11:31 a. m.]

[C-269, Revocation]

THEODORE W. FOSTER & BROTHER CO., INC.

CONSENT ORDER

Consent Order C-269 was issued February 20, 1945 against Theodore W. Foster & Brother Company, Inc. for violation of Conservation Order M-199 upon the consent of Theodore W. Foster & Brother Company, Inc., the Regional Compliance Chief and the Regional Attorney, and with the approval of the Compliance Commissioner. In view of the fact that Conservation Order M-199, as amended May 25, 1945, removes the quota restrictions on the use of domestic silver, the Director of the Compliance Division and the Office of General Counsel have directed that the consent order be revoked.

In view of the foregoing, it is hereby ordered that *Consent Order C-269* be revoked.

Issued this 11th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-12583; Filed, July 11, 1945; 11:32 a. m.]

[C-340, Revocation]

UNIVERSITY PARK LUMBER YARD

CONSENT ORDER

A Consent Order No. C-340 was entered into by University Park Lumber Yard, a partnership, the Regional Compliance Chief and the Regional Attorney, with the approval of the Compliance Commissioner on March 7, 1945. The University Park Lumber Yard began complying with the terms of the consent order on that date although it was not issued and did not become effective until May 18, 1945. Since the respondent has complied with the terms of the consent order for more than three months, the Director of the Compliance Division and the Office of General Counsel have directed that Consent Order C-340 be revoked.

Issued this 11th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-12587; Filed, July 11, 1945; 11:32 a. m.]

[C-385]

WEISBERG-BAER CO.

CONSENT ORDER

The Weisberg-Baer Company, a corporation with its principal office and place of business at 403 26th Avenue, Astoria, New York, is engaged in the manufacture of millwork products, unpainted furniture, and in the distribution of lumber. It is charged with having violated War Production Board Order M-208 in that during the period from April 19, 1943 through March 31, 1944, it used and consumed 1,372,016 board feet of softwood lumber for the manufacture of furniture. The Weisberg-Baer Company admits the violation as charged, does not desire to contest the issue of wilfulness and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of The Weisberg-Baer Company, the Regional Compliance Chief and the Regional Attorney and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) For a period of four months from the effective date of this order, The Weisberg-Baer Company, its successors or as-

signs, shall not fill any orders or contracts requiring the use of lumber as defined in or controlled by Order L–335 as amended from time to time and shall not deliver any lumber as defined in or controlled by Order L–335 as amended from time to time except on orders or contracts bearing a preference rating of AA–3 or higher.

(b) Nothing contained in this order shall be deemed to relieve The Weisberg-Baer Company, its successors or assigns, from any restrictions, prohibitions or provisions contained in any other order or regulation of the War Production Board, except insofar as they may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 18, 1945.

Issued this 11th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–12581; Filed, July 11, 1945; 11:32 a. m.]

[C–389]

CHILDHOOD INTERESTS, INC.

CONSENT ORDER

Childhood Interests, Inc., a corporation of the State of New Jersey, with its principal office and place of business at 180 Westfield Avenue, Roselle Park, New Jersey, engaged in the business of manufacturing toys, is charged with having violated War Production Board Order L–81, in that during that period January 1, 1944, to and including November 30, 1944, said corporation exceeded its quota on joining hardware by 3,895 lbs. and with violating Order L–317 in that the said corporation exceeded its quota under said order by 750,417 square feet. Childhood Interests, Inc. admits the violations as charged but does not desire to contest the aspect of wilfulness and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Childhood Interest, Inc., the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Childhood Interests, Inc., its successors and assigns, for the third and fourth calendar quarters of the year 1945, shall reduce it quota of containerboard content of its fibre shipping containers as provided by Order L–317 by 50% of what it would be entitled to under the provisions of that order during each of those quarters.

(b) Nothing contained in this order shall be deemed to relieve Childhood Interests, Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board.

Issued this 11th day of July 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–12584; Filed, July 11, 1945; 11:32 a. m.]